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Wednesday  
November 29, 1989

# federal register

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# Federal Register

Wednesday  
November 29, 1989

**Briefing on How To Use the Federal Register**  
For information on a briefing in Washington, DC, see  
announcement on the inside cover of this issue.



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## THE FEDERAL REGISTER

### WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### WASHINGTON, DC

- WHEN:** December 7, at 9:00 a.m.
- WHERE:** Office of the Federal Register,  
First Floor Conference Room,  
1100 L Street NW., Washington, DC.
- RESERVATIONS:** 202-523-5240.



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# Presidential Documents

Title 3—

The President

Proclamation 6078 of November 27, 1989

National Alzheimer's Disease Month, 1989 and 1990

By the President of the United States of America

## A Proclamation

At medical facilities and research institutions across the country, dedicated scientists are piecing together the puzzle of Alzheimer's disease. Alzheimer's disease is a living nightmare for the millions of older Americans who suffer from it. The disease robs its victims of their memory and judgment, their health, their independence, and, eventually, their lives.

Research has taught us many things about Alzheimer's disease that we did not know just one decade ago. More physicians now recognize the illness, and they know how to treat some of the problems it causes. Unfortunately, however, physicians and scientists do not yet know how to cure the disease or stop it from progressing. We do know that continued research is vital.

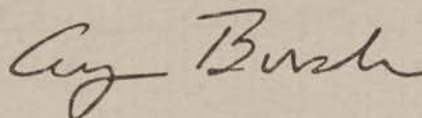
At the forefront of scientific research on Alzheimer's disease is the Federal Government's National Institute on Aging. The National Institute on Aging, along with other government agencies and private voluntary organizations such as the Alzheimer's Disease and Related Disorders Association, is working to advance our knowledge about this tragic disease.

Scientific research has yielded a number of promising leads, and it holds the ultimate hope for the victims of Alzheimer's disease and their families. Nevertheless, until a cure is found, there is much that can be done to improve care and alleviate the emotional stress this disease imposes on families. The knowledge that has been acquired about effective treatment programs and care strategies needs to be shared with both professional and family caregivers. Continued efforts must be made to coordinate the many local, State, and Federal programs involving Alzheimer's disease and to get needed information into the hands of health and social service professionals who serve Alzheimer patients and their families. Only through a concerted effort can we ensure that the victims of this disease receive the highest quality care.

To enhance public awareness of Alzheimer's disease, the Congress, by Senate Joint Resolution 16, has designated the months of November 1989 and 1990 as "National Alzheimer's Disease Month" and has authorized and requested the President to issue a proclamation in observance of these months.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the months of November 1989 and 1990 as National Alzheimer's Disease Month and call upon the people of the United States to observe these months with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of November, in the year of our Lord nineteen hundred and eighty-nine, and of the Independence of the United States of America the two hundred and fourteenth.





# Presidential Documents

Reimbursement of Expenses of the President

Reimbursement of Expenses of the President, 1950 and 1951

By the President of the United States of America

A Proclamation

ALL faithful families and various institutions were for many years, and are now, the beneficiaries of the President's services. It is the duty of the President to provide for the expenses of his office and to ensure that the President is able to perform his duties without any financial burden.

It is the duty of the President to provide for the expenses of his office and to ensure that the President is able to perform his duties without any financial burden. The President's expenses are paid by the United States Treasury, and the President is not allowed to receive any other compensation for his services. The President's expenses are paid by the United States Treasury, and the President is not allowed to receive any other compensation for his services.

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*Handwritten signature*

## Presidential Documents

Proclamation 6079 of November 27, 1989

### National Home Care Week, 1989 and 1990

By the President of the United States of America

#### A Proclamation

Throughout the United States, dedicated professionals and volunteers working in more than 12,000 home health care agencies are bringing needed medical services to millions of ill and disabled Americans. This week, as we recognize these hardworking men and women for their efforts, we also acknowledge the important role that home care plays in our Nation's health care system.

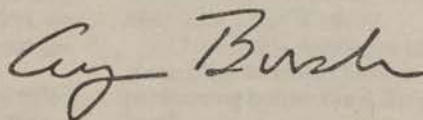
When appropriate, home care is more than an effective and economical alternative to institutionalization. For the patient, it can bring the added comfort and reassurance of a warm, familiar environment. Home care not only emphasizes the dignity and independence of the patient, but also alleviates the suffering caused by separation from loved ones. In the home, a patient is able to obtain treatment while enjoying the love and support of his or her family.

Working in concert with government agencies and concerned organizations, home health care providers give millions of ill and disabled Americans a welcome alternative to hospitalization and other institutionalized forms of care. During National Home Care Week, we recognize the benefits of this important partnership.

To increase public awareness and support for our Nation's home health care service providers, the Congress, by Senate Joint Resolution 184, has designated the weeks beginning November 26, 1989, and November 25, 1990, as "National Home Care Week" and has requested the President to issue a proclamation calling for appropriate observances of these weeks.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim November 26 through December 2, 1989, and November 25 through December 1, 1990, as National Home Care Week. I urge all concerned government officials, health care and social service providers, private voluntary organizations, insurance companies, and the American public to observe these weeks with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of November, in the year of our Lord, nineteen hundred and eighty-nine, and of the Independence of the United States of America the two hundred and fourteenth.









# Rules and Regulations

Federal Register

Vol. 54, No. 228

Wednesday, November 29, 1989

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Parts 430, 432 and 540

#### Performance Management and Recognition System

**AGENCY:** Office of Personnel Management.

**ACTION:** Interim rulemaking, with comments invited.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing regulations to implement the Performance Management and Recognition System Reauthorization Act of 1989. This Act extends the Performance Management and Recognition System (PMRS) from October 1, 1989, to March 31, 1991. These regulations modify the formula used to determine merit increases and establish new procedures for dealing with employees who are performing below the fully successful level, as authorized by the Act.

**DATES:** Effective Date: October 1, 1989.

**Comment date:** To be considered, comments must be received by January 29, 1990.

**ADDRESSES:** Send or deliver written comments to: Barbara L. Fiss, Assistant Director for Pay and Performance; Personnel Systems and Oversight Group; room 7H30; Office of Personnel Management; 1900 E Street NW., Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:** Janice B. Smith (202) 632-0720, concerning questions about the changes in parts 430 and 540; Sharon C. Snellings, (202) 653-8551, concerning changes in part 432.

**SUPPLEMENTARY INFORMATION:** In addition to extending the PMRS to March 31, 1991, the Act modifies the

formula used to determine merit increases and establishes new procedures for dealing with employees who are performing below the fully successful level.

The change in the merit increase determination procedures addresses the procedural problem that caused a lack of parity between PMRS merit increases and General Schedule within-grade increases for employees rated fully successful in the middle third of the pay range. The new formula divides the PMRS pay range into three parts. Merit increases will be determined based on the employee's performance rating and his/her basic pay compared to specific reference rates in the pay range (i.e., position in the range). The first and second reference rates in the new formula equal the dollar amounts of the fourth and seventh steps of a General Schedule grade or special rate range. All agencies must use the new formula in making their merit increase determinations for Fiscal Years 1990 and 1991, effective as of the beginning of the first applicable pay period commencing on or after October 1, 1989.

The Act also requires agencies to provide a performance improvement plan (PIP) to each employee whose performance is determined to be below fully successful. This requirement will take effect on October 1, 1989, and applies to any performance determination (under 4302a(b)(4) of title 5, U.S.C.) given on or after that date. Further, the Act provides that employees covered by the Performance Management and Recognition System may be reassigned, reduced in grade or removed if they fail to attain at least fully successful performance once they have been afforded a performance improvement plan. Accordingly, part 432 regulations are being revised to incorporate these changes concerning employees covered by the PMRS.

Pursuant to section 553(b)(3)(B) of title 5 of the United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because Congress has provided that Public Law 101-103 is effective October 1, 1989, and accordingly, these regulations must go into effect on that date.

Pursuant to section 553(d)(3) of title 5 of the United States Code, I find that good cause exists to make this amendment effective in less than 30

days. These regulations are being made effective immediately because agencies must have rules in effect to implement the Performance Management and Recognition System, under which certain actions are required to be taken on the first day of the first pay period in October 1989.

### E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulations will only affect Government employees and agencies.

### List of Subjects

#### 5 CFR Parts 430 and 432

Administrative practice and procedure; Government employees.

#### 5 CFR Part 540

Government employees; Wages.  
U.S. Office of Personnel Management.  
Constance Berry Newman,  
Director.

Accordingly, the Office of Personnel Management proposes to amend title 5, chapter I, Code of Federal Regulations, as follows:

## PART 430—PERFORMANCE MANAGEMENT

1. The authority citation in part 430 continues to read as follows:

**Authority:** 5 U.S.C. chapters 43, 45, 53 and 54.

2. In § 430.405, paragraphs (i) and (j) are revised to read as follows:

### § 430.405 Agency performance appraisal systems.

(i) Each appraisal system shall provide for a performance improvement plan (PIP) for each employee whose performance has been rated below fully successful on one or more critical elements. The PIP must:

(1) Notify the employee of the critical element(s) in which he/she is performing below the fully successful level;

(2) Describe the types of improvements that the employee must



demonstrate to attain the fully successful level of performance;

(3) Offer assistance to the employee in improving to the fully successful level; and

(4) Provide the employee a reasonable period of time to attain that level.

(j) Except with respect to employees occupying positions in Schedule C as authorized by § 213.3301 of this chapter,

(1) Each appraisal system shall provide for reassigning, reducing in grade, or removing any employee who fails to attain at least the fully successful level but only after affording the employee a reasonable period to improve performance to the fully successful level or higher on the critical element(s) rated below fully successful, as required in 5 U.S.C. 4302a(b)(6).

(2) Once the employee has been afforded the reasonable period referred to in paragraph (j)(1) of this section, the agency may reassign, reduce in grade or remove the employee as provided by 5 U.S.C. 4302a(b) if the employee fails to attain fully successful performance.

\* \* \*

4. The title of part 432 is revised to read as follows:

#### **PART 432—PERFORMANCE BASED REDUCTION IN GRADE AND REMOVAL ACTIONS**

4a. The authority citation in part 432 is revised to read as follows:

Authority: 5 U.S.C. 4302a, 4303, and 4305.

5. Section 432.101 is revised to read as follows:

##### **§ 432.101 Statutory authority.**

This part applies to reduction in grade and removal of employees covered by the Performance Management and Recognition System (PMRS) based solely on performance below the fully successful level and the reduction in grade and removal of other employees covered by the provisions of this part based solely on performance at the unacceptable level. 5 U.S.C. 4305 authorizes the Office of Personnel Management to prescribe regulations to carry out the purposes of title 5, chapter 43, including 5 U.S.C. 4303, which covers agency actions to reduce in grade or remove employees for unacceptable performance and 5 U.S.C. 4302a(b) which covers actions to reduce in grade or remove employees covered by the Performance Management and Recognition System for performance below the fully successful level. (The provisions of 5 U.S.C. 7501 *et. seq.*, may also be used to reduce in grade or remove employees. See part 752 of this chapter.)

6. In § 432.102, paragraph (a) is revised to read as follows:

##### **§ 432.102 Coverage.**

(a) *Actions covered.* This part covers reduction in grade and removal of:

(1) Employees, covered by the PMRS, based on performance below the fully successful level; and

(2) Employees, not covered by the PMRS, based on unacceptable performance.

\* \* \*

7. Section 432.103 is amended by revising paragraph (a), removing paragraph (i), redesignating paragraphs (e) through (h) as (f) through (i), and adding new paragraph (e) to read as follows:

##### **§ 432.103 Definitions.**

For purposes of this part—

(a) "Acceptable performance" means performance that meets an employee's performance requirement(s) or standard(s) at a level of performance above "unacceptable" in the critical element(s) at issue where the employee is not covered by the Performance Management and Recognition System (PMRS). For those employees covered by the PMRS, acceptable performance is performance determined to be at the fully successful level or above in the critical element(s) at issue.

\* \* \*

(e) "Performance improvement plan" means the plan agencies are required to provide to a PMRS employee whose performance in one or more critical elements has been determined to be below the fully successful level. As part of the plan, agencies shall notify the employee of the critical element(s) in which he or she is performing below the fully successful level; describe the types of improvements that the employee must demonstrate to attain fully successful performance in his or her position; offer assistance to the employee in attaining fully successful performance; and provide the employee with a reasonable period of time, commensurate with the duties and responsibilities of the employee's position, to demonstrate fully successful performance. The agency may include, as part of the performance improvement plan, other information and matters that the agency considers appropriate.

\* \* \*

8. Section 432.104 is revised to read as follows:

##### **§ 432.104 Addressing unacceptable performance by non-PMRS employees.**

At any time during the performance appraisal cycle that a non-PMRS employee's performance is determined

to be unacceptable in one or more critical elements, the agency shall notify the employee of the critical element(s) for which performance is unacceptable and inform the employee of the performance requirement(s) or standard(s) that must be attained in order to demonstrate acceptable performance in his or her position. The agency may also inform the employee that unless his or her performance in the critical element(s) improves to and is sustained at an acceptable level, the employee may be reduced in grade or removed. For each critical element in which the employee's performance is unacceptable, the agency shall afford the employee a reasonable opportunity to demonstrate acceptable performance, commensurate with the duties and responsibilities of the employee's position. As part of the employee's opportunity to demonstrate acceptable performance, the agency shall offer assistance to the employee in improving acceptable performance.

§§ 432.108–432.109 [Redesignated from §§ 432.106–432.107]

§ 432.106 [Redesignated from § 432.105 and Amended]

9. Sections 432.106 and 432.107 are redesignated as § 432.108 and § 432.109; § 432.105 is redesignated as § 432.106, the section heading is revised and paragraph (b) is amended by revising the words "appeal and grievance" in the last sentence to read "appeal and/or grievance"; and new §§ 432.105 and 432.107 are added to read as follows:

##### **§ 432.105 Addressing below fully successful performance by PMRS employees.**

At any time during the performance appraisal cycle that a PMRS employee's performance is determined to be below fully successful in one or more critical elements, the agency shall afford the employee an opportunity to improve through a performance improvement plan. As part of the plan, the agency shall notify the employee of the critical element(s) in which he or she is performing below the fully successful level; describe the types of improvements that the employee must demonstrate to attain fully successful performance in his or her position; offer assistance to the employee in attaining fully successful performance; and provide the employee with a reasonable period of time, commensurate with the duties and responsibilities of the employee's position, to demonstrate fully successful performance. The agency may include, as part of the performance improvement plan, other



information and matters that the agency considers appropriate. The agency may also inform the employee that, unless his or her performance in the critical element(s) improves to and is sustained at a fully successful level, the employee may be reduced in grade or removed.

**§ 432.106 Proposing and taking action based on unacceptable performance for non-PMRS employees.**

**§ 431.107 Proposing and taking action based on performance below the fully successful level for PMRS employees.**

(a) *Proposing action based on performance below the fully successful level.* (1) Once an employee has been afforded an opportunity to improve performance to the fully successful level through a performance improvement plan pursuant to § 432.105, an agency may propose a reduction in grade or removal action if the employee's performance during or following the performance improvement plan is below fully successful in one or more of the critical elements for which the employee was afforded an opportunity to improve through a performance improvement plan.

(2) If an employee has performed at the fully successful level for one year from the beginning of a performance improvement plan (in the critical element(s) for which the employee was afforded a performance improvement plan) and the employee's performance again is determined to be below fully successful, the agency shall afford the employee an additional performance improvement plan before determining whether to propose a reduction in grade or removal under this part.

(3) A proposed action may be based on instances of below fully successful performance which occur within a one-year period ending on the date of the notice of proposed action.

(4) An employee whose reduction in grade or removal is proposed under this part is entitled to:

(i) *Advance notice.* (A) The agency shall afford the employee a 30-day advance notice of the proposed action that identifies both the specific instances of below fully successful performance by the employee on which the proposed action is based and the critical element(s) of the employee's position involved in each instance of below fully successful performance.

(B) An agency may extend this advance notice period for a period not to exceed 30 days under regulations prescribed by the head of the agency. An agency may extend this notice

period further without prior OPM approval for the following reasons:

(1) To obtain and/or evaluate medical information when the employee has raised a medical issue in the answer to a proposed reduction in grade or removal;

(2) To arrange for the employee's travel to make an oral reply to an appropriate agency official, or the travel of an agency official to hear the employee's oral reply;

(3) To consider the employee's answer if an extension to the period for an answer has been granted (e.g., because of the employee's illness or incapacitation);

(4) To consider reasonable accommodation of a handicapping condition;

(5) If agency procedures so require, to consider positions to which the employee might be reassigned or reduced in grade; or

(6) To comply with a stay ordered by a member of the Merit Systems Protection Board under 5 U.S.C. 1208(b).

(C) If an agency believes that an extension of the advance notice period is necessary for another reason, it may request prior approval for such extension from the Chief, Employee Relations Division, Office of Employee and Labor Relations, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415.

(ii) *Opportunity to answer.* The agency shall afford the employee a reasonable time to answer the agency's notice of proposed action orally and in writing.

(iii) *Representation.* The agency shall allow the employee to be represented by an attorney or other representative. An agency may disallow as an employee's representative an individual whose activities as a representative would cause a conflict of interest or position or an employee whose release from his or her official position would give rise to unreasonable costs to the Government or whose priority work assignment precludes his or her release from official duties.

(iv) *Consideration of medical conditions.* The agency shall allow an employee who wishes to raise a medical condition which may have contributed to his or her deficient performance to furnish medical documentation (as defined in § 339.102 of this chapter) of the condition for the agency's consideration. Whenever possible, the employee shall supply this documentation following the agency's notification that the employee's performance is below fully successful and the establishment of the performance improvement plan under

§ 432.105. If the employee offers such documentation after the agency has proposed a reduction in grade or removal, he or she shall supply this information in accordance with § 432.107(a)(4)(ii). In considering documentation submitted in connection with the employee's claim of a medical condition, the agency may require or offer a medical examination in accordance with the criteria and procedures of part 339 of this chapter, and shall be aware of the affirmative obligations of 29 CFR 1613.704. If the employee who raises a medical condition has the requisite years of service under the Civil Service Retirement System or the Federal Employees Retirement System, the agency shall provide information concerning application for disability retirement. As provided at § 831.501(d) of this chapter, an employee's application for disability retirement shall not preclude or delay any other appropriate agency decision or personnel action.

(b) *Final written decision.* The agency shall make its final decision within 30 days after expiration of the advance notice period. Unless proposed by the head of the agency, such written decision shall be concurred in by an employee who is in a higher position than the person who proposed the action. In arriving at its decision, the agency shall consider any answer of the employee and/or his or her representative furnished in response to the agency's proposal. A decision to reduce in grade or remove an employee for performance below the fully successful level may be based only on those instances of performance that occurred during the one year period on the date of issuance of the advance notice of proposed action under § 432.107(a)(4)(i). The agency shall issue written notice of its decision to the employee at or before the time the action will be effective. Such notice shall specify the instances of below fully successful performance by the employee on which the action is based and shall inform the employee of any applicable appeal and/or grievance rights.

**PART 540—PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM**

10. The authority citation for part 540 continues to read as follows:

Authority: 5 U.S.C. chapters 43 and 54.

**§ 540.102 [Amended]**

11. In the definition of "Reference amount" in § 540.102 the term



"Reference amount" in the first sentence is revised to read "First reference rate", and the term "reference amount" in the second sentence is revised to read "first reference rate" and place the new term in alphabetical order.

12. In § 540.102 the definition of "Second reference rate" is added to read as follows:

#### § 540.102 Definitions.

*Second reference rate* means the sum of the minimum rate of the grade and two-thirds of the difference between the maximum and the minimum rate for that grade. In the General Schedule, the second reference rate equals the dollar amount of the seventh step of a General schedule grade, or in the case of a

special rate range established under 5 U.S.C. 5303 and part 530 of this chapter, the seventh step of such special rate range.

13. In § 540.107, the table in paragraph (b) is revised to read as follows:

#### § 540.107 Merit increases.

(b) \* \* \*

MERIT INCREASES FOR EACH PERFORMANCE RATING LEVEL

Performance rating	Amount received if rate of basic pay does not equal or exceed the first reference rate	Amount received if rate of basic pay equals or exceeds the first reference rate but does not equal or exceed the second reference rate	Amount received if rate of basic pay equals or exceeds the second reference rate
Level 5.....	1 merit increase.....	1 merit increase.....	1 merit increase.
Level 4.....	1 merit increase.....	½ merit increase.....	½ merit increase.
Level 3 (fully successful).....	1 merit increase.....	½ merit increase.....	½ merit increase.

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## DEPARTMENT OF THE TREASURY

### Customs Service

[T.D. 89-102]

#### 19 CFR Part 101

### Customs Regulations Amendment Relating to the Designation of Tucson, AZ, as Port of Entry

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

**SUMMARY:** This document amends the Customs Regulations governing the Customs field organization by changing the designation of Tucson, Arizona, from a Customs station to a port of entry. Adoption of this proposal alters the relationship of the Customs operations at Tucson from that of a station under the supervision of a port to that of a port in the Nogales District. This redesignation is part of the efforts of Customs to improve the efficiency of its field operations.

**EFFECTIVE DATE:** November 29, 1989.

**FOR FURTHER INFORMATION CONTACT:** Linda Walfish, Office of Workforce Effectiveness and Development, Office of Inspection and Control (202) 566-9425.

#### SUPPLEMENTARY INFORMATION:

##### Background

As part of its ongoing effort to improve efficiency and service to the public, the Customs Service continually

reviews its field service organization to assure that it best utilizes its resources. This review has identified the current relationship of the port of entry of Nogales and the Customs station of Tucson as one which is in need of modification.

While the status of Tucson as a Customs station was appropriate at the time it was established in 1963 (T.D. 55986), Tucson currently meets or exceeds the minimum criteria for the level of activity necessary for eligibility as a port of entry as identified in T.D. 82-371, amended by T.D. 86-14 and T.D. 87-65.

#### Comments

Notice of the proposed amendment was published in the *Federal Register* on May 8, 1989 (54 FR 19577). The three comments received favored Tucson, Arizona, becoming a port of entry.

#### Port Limits

The limits of the port of entry of Tucson, Arizona are: The city of Tucson, Arizona, including the Tucson International Airport.

#### Executive Order 12291 and Regulatory Flexibility Act

Because this document is related to agency management and organization, it is not subject to E.O. 12291. Accordingly, a regulatory impact analysis and the review prescribed by the E.O. are not required. Although Customs solicited public comments, no notice of proposed rulemaking was required pursuant to 5 U.S.C. 553(a)(2). Accordingly, this document is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

#### Delayed Effective Date

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(d), a substantive rule is to be published not less than 30 days prior to its effective date. The statute provides, however, that this requirement may be waived where the agency finds good cause and publishes such finding with the rule, 5 U.S.C. 553(d)(3). Good cause exists for not delaying the effective date inasmuch as the establishment of a port in place of a station confers an economic benefit to the public.

#### Drafting Information

The principal author of this document was Michael Smith, Regulations and Disclosure Law Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

#### List of Subjects in 19 CFR Part 101

Customs duties and inspection, Organization and functions (Government agencies).

#### Amendments to the Regulations

Part 101, Customs Regulations (19 CFR part 101) is amended as set forth below:

#### PART 101—[AMENDED]

1. The authority citation for part 101 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 2, 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States), 1623, 1624.

#### § 101.3 [Amended]

2. In § 101.3(b), in the Southwest Region, opposite "Nogales" under the heading "Name and Headquarters", insert "Tucson, including the territory



described in T.D. 89-102", in alphabetical order, under the column headed "Ports of Entry".

#### § 101.4 [Amended]

3. In § 101.4(c), remove "Nogales, Ariz." under the listing of districts, "Tucson," in the column listing Customs stations, and "Nogales" under ports having supervision.

Samuel H. Banks,  
Acting Commissioner of Customs.

Approved: November 21, 1989.

Salvatore R. Martoche,  
Assistant Secretary of the Treasury.  
[FR Doc. 89-27876 Filed 11-28-89; 8:45 am]  
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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 177

[Docket No. 88F-0175]

#### Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for an increase in the weight-percent of butene-1 in propylene/butene-1 copolymers for use in contact with food. This action is in response to a petition filed by Mitsui Petrochemical Industries, Ltd.

**DATES:** Effective November 29, 1989; written objections and requests for a hearing by December 29, 1989.

**ADDRESSES:** Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, room 4-62, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Richard H. White, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** In a notice published in the Federal Register of June 9, 1988 (53 FR 21728), FDA announced that a food additive petition (FAP 8B4081) has been filed by Mitsui Petrochemical Industries, Ltd., Kasumigaseki Bldg., P.O. Box 90, 2-5, Kasumigaseki 3-Chome, Chiyoda-KU, Tokyo 100, Japan, proposing that

§ 177.1520 *Olefin polymers* (21 CFR 177.1520) be amended to provide for an increase in the weight-percent of butene-1 in propylene/butene-1 copolymers for use in contact with food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe, and that § 177.1520 should be amended to provide for an increase in the weight-percent of butene-1 in propylene/butene-1 copolymers for use in contact with food as set forth below.

FDA has also made editorial changes appropriate to the changes made in this section. In § 177.1520(c), item 3.2 has been redesignated as item 3.2a and revised, and a new item 3.2b has been added to set forth the specifications for the new propylene/butene-1 copolymer. The text of paragraph (d)(7) has also been revised to facilitate future amendments of § 177.1520 that include melt flow index specifications.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before December 29, 1989 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a

waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

#### List of Subjects in 21 CFR Part 177

Food additives, Food packaging, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 177 is amended as follows:

#### PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR part 177 continues to read as follows:

Authority: Secs. 201, 402, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

2. Section 177.1520 is amended by redesignating paragraph (a)(3)(i)(c) as paragraph (a)(3)(i)(c)(1) and by adding new paragraph (a)(3)(i)(c)(2); in the table in paragraph (c) by redesignating item 3.2 as item 3.2a and revising it, by adding new item 3.2b; and by revising paragraph (d)(7) to read as follows:

#### § 177.1520 Olefin polymers.

(a) \* \* \*  
(3) \* \* \*  
(i) \* \* \*  
(c) \* \* \*

(2) Olefin basic copolymers manufactured by the catalytic copolymerization of propylene and butene-1 shall contain greater than 15 but not greater than 35 weight percent of polymer units derived from butene-1 with the remainder being propylene.

\* \* \* \* \*  
(c) Specifications:



Olefin polymers	Density	Melting point (MP) or softening point (SP) (Degrees Centigrade)	Maximum extractable fraction (expressed as percent by weight of polymer) in <i>N</i> -hexane at specified temperatures	Maximum soluble fraction (expressed as percent by weight of polymer) in xylene at specified temperatures
3.2a Olefin copolymers described in paragraph (a)(3)(i) of this section; except olefin copolymers described in paragraph (a)(3)(i)(c)(2) of this section and listed in item 3.2b of this table for use in articles used for packing or holding food during cooking; except that olefin copolymers containing 89 to 95 percent ethylene with the remainder being 4-methyl-pentene-1 contacting food Types III, IVA, V, VIIA, and IX identified in § 176.170(c) of this chapter, Table 1, shall exceed 0.051 millimeter (mm) (0.002 inch (in)) in thickness when used under conditions of use A and shall not exceed 0.102 mm (0.004 in) in thickness when used under conditions of use B, C, D, E, and H described in § 176.170(c) of this chapter, Table 2.	0.85-1.00		2.6 percent at 50 °C.	Do.
3.2b Olefin copolymers described in paragraph (a)(3)(i)(c)(2) of this section have a melt flow index no greater than 10 grams per 10 minutes as determined by the method described in paragraph (d)(7) of this section, and the thickness of the finished polymer contacting food shall not exceed 0.025 mm (0.001 in). Additionally, optional adjuvants permitted for use in olefin copolymers complying with item 3.2a of this table may be used in the production of this copolymer.				Do.

(d) \* \* \*

(7) *Melt flow index.* The melt flow index of olefin polymers described below shall be determined by ASTM method D-1238-82, "Standard Test Method for Flow Rates of Thermoplastics by Extrusion Plastometer," which is incorporated by reference in accordance with 5 U.S.C. 552(a). The availability of this incorporation by reference is given in paragraph (d)(1) of this section. The olefin polymers and test conditions and procedures are as follows:

List of polymers	Conditions/procedures
Olefin copolymers described in paragraph (a)(3)(i)(c)(2) of this section.	Condition L, procedure A.
Olefin copolymers described in paragraph (a)(3)(v) of this section.	Condition E, procedure A.

Dated: November 16, 1989.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-27874 Filed 11-28-89; 8:45 am]

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**MARITIME ADMINISTRATION****46 CFR Part 382**

[Docket No. R-107]

RIN 2133-AA43

**Bulk and Packaged Preference Cargoes**

AGENCY: Maritime Administration, Department of Transportation.

**ACTION:** Final rule.

**SUMMARY:** This rule establishes new administrative procedures and methodology for determining fair and reasonable rates for the carriage of dry and liquid bulk and packaged preference cargoes on United States commercial cargo vessels. This regulation requires operators to submit data on the operating and capital costs of their vessels. Based on this data, the Maritime Administration (MARAD) will calculate fair and reasonable guideline rates according to the method explained in the **SUPPLEMENTARY INFORMATION** Section of this notice.

**DATE:** This rule is effective January 1, 1990.

**FOR FURTHER INFORMATION CONTACT:** Arthur B. Sforza, Director, Office of Ship Operating Assistance, Maritime Administration, Washington, DC 20590, Tel (202) 366-2323.

**SUPPLEMENTARY INFORMATION:** Section 901(b)(1) of the Merchant Marine Act of 1936 (the Act), as amended (46 U.S.C. 1241(b)), requires that at least 50 percent of any equipment, materials or commodities purchased by the United States or for the account of any foreign nation without provision for reimbursement, or acquired as the result of funds or credits from the United States, shall be transported on privately owned U.S.-flag commercial vessels, to the extent that such vessels are available at fair and reasonable rates. In 1985, section 901 was amended to exclude certain programs from the application of cargo preference and to

raise the U.S.-flag share to 75 percent on certain others, phased in over three years. Upon request, MARAD provides fair and reasonable guideline rates to shipper agencies. Section 901(b)(2) of the Act provides the authority for MARAD (by delegation from the Secretary of Transportation) to issue regulations governing the administration of section 901(b)(1).

Until recently, MARAD has used two separate methods for determining guideline rates for bulk cargoes carried by U.S.-flag bulk cargo vessels. For vessels built before 1955, guideline rates were calculated for vessel categories arranged by deadweight tonnage. Since there are only a few such vessels remaining in service, MARAD no longer calculates category rates. MARAD now calculates rates separately for all vessels.

There are no current procedures, except for parcel lots on liner vessels, for calculating guideline rates that are formalized in MARAD regulations, and there is no existing MARAD regulatory requirement that operators participating in the bulk cargo preference trades submit cost data to MARAD on an annual basis. Since accurate and verifiable cost data for all participating vessels are not available, MARAD has been unable to verify some cost data used in calculating guideline rates. For these reasons as well as those stated later in this discussion, MARAD believes there is a need to develop and formalize the guideline rate procedures and to require periodic submission of cost data.

In developing these procedures MARAD was guided by: (1) An opinion



of the Comptroller General (Opinion B-95832, Feb. 17, 1955), issued shortly after enactment of section 901(b), that the term "fair and reasonable rate" did not necessarily mean the going market rate, but " \* \* \* would appear to call for reasonable compensation to the operator, including a fair profit," and, especially, (2) court decisions which, while upholding MARAD's rate setting authority for preference cargoes, clearly require that MARAD select rates which will allow an operator to earn a reasonable profit or, if not, explain why the language and legislative history of the Act justify the rate methodology chosen (See e.g., *American Maritime Association v. United States*, 766 F.2d 545, 559 (D.C. Cir., 1985)). As is more fully explained below, MARAD believes the procedures selected comply with this guidance.

#### Prior Rulemaking Actions

MARAD published an initial NPRM on August 6, 1985 (50 FR 31735) that contained data submission requirements and a methodology for determining fair and reasonable guideline rates for full shiploads of dry and liquid bulk preference cargoes. That methodology was an averaging technique based on a "least squares regression analysis." MARAD received nine comments and concluded that the use of the "least squares regression analysis" methodology was generally unsatisfactory. Accordingly, MARAD issued a SNPRM on December 17, 1986 (51 FR 45136), that proposed and requested public comment on a cost-based methodology for calculating fair and reasonable guideline rates that would be based on each vessel's actual or constructed costs.

Following the comment period on the SNPRM, MARAD published a second SNPRM for comment on June 28, 1988 (53 FR 24324). This SNPRM was incorrectly designated as RIN number 2133-AA51. It should have been designated as RIN number 2133-AA43. The methodology in the second SNPRM utilized averaged operating costs (except fuel) for competing vessels, by vessel size categories, and constructed capital items based on actual capitalized costs.

#### Data Submission Requirements

The information that MARAD would have required from the operators for each vessel under the second SNPRM included statistical information on the vessel (e.g., normal operating speed, deadweight tonnage); operating expenses (e.g., wage costs of officers

and crews, insurance costs); capital costs (e.g., capitalized costs, interest rates); and port and cargo handling costs (e.g., stevedore costs, canal fees). Such data was to be for the year preceding the current year and was to be submitted no later than April 30 of the current year. This final rule contains essentially the same data submission requirements as in the second SNPRM.

Pursuant to the Freedom of Information Act, 5 U.S.C. 552(b)(4), the requested data submissions have to be considered confidential commercial or financial information not to be disclosed to the public provided certain prerequisites are satisfied. As discussed later, a provision is included in this regulation under which data would be presumed confidential.

#### Comments

Responses were received from nine commenters with regard to the SNPRM of June 28, 1988. The respondents were American Gulf Shipping (AGS); Coastal Carriers Corp. (CCC); Diversified Marine International (DMI); Falcon Shipping Group (Falcon); Gulf Coast Transit Company (GTC); O'Conner & Hannan, on behalf of the Government of Israel Supply Mission (Israel); Dyer, Ellis, Joseph & Mills, on behalf of Liberty Marine Corporation (Liberty); and Preston, Thorgrimson, Ellis & Holman, on behalf of OMI Corp. (OMI).

As a result of the substantial interest evidenced by the replies to the second SNPRM, MARAD determined that a public hearing was necessary to afford the public the opportunity to clarify various positions regarding controversial sections of the proposed rule. A Notice of Public Hearing was published in the *Federal Register* on August 22, 1988 (53 FR 31870), setting the date of the hearing for September 8, 1988. The meeting was attended by representatives from 13 companies operating self-contained vessels or tug/barge units in the bulk preference trades. Also attending were representatives of four private organizations either representing vessel operators or having an interest in bulk shipping: three liner operators who engage in the bulk preference trades from time-to-time; and the United States Agency for International Development (AID) and the Department of Agriculture (USDA).

American Trading Transportation Company (ATT), Dixie Carriers (Dixie), OSG Bulk Ships, Inc. (OSG), Keystone Shipping (Keystone), and OMI provided written comments in advance of the hearing. AGS, CCC, Coastal Barge

Corporation (CBC), DMI, Falcon, GTC, Liberty, OMI, Ocean Transport Company (OTC), and the Transportation Institute (TI) provided written comments after the hearing.

Many of the comments received were similar in nature. Therefore, to facilitate discussion of the comments, they will be discussed by subject matter.

#### No Requirement for Regulation

Comments in this category basically fall into two groups: (1) Those operators who believed that the current system of rate determination is more accurate and works best; and (2) those who believed that competition in the market is the better regulator and that guideline rates are unnecessary where such competition exists. Some commenters expressed both views. One commenter asserted that, since no one has complained about the present system, the only entity that can be interested in implementing the proposed system of regulations is the Government.

The genesis of the fair and reasonable guideline rate regulation lies in the concerns over rates and costs brought forth during the amendment of the Act in 1970. MARAD began preliminary work on this regulation in the late 1970's. Ultimately, a draft regulation was prepared, and internal review of the regulation within the Department of Transportation began in May of 1983. On June 18, 1985, two years later, the GAO issued a report recommending codification of fair and reasonable rate procedures for liner vessels and verification of cost data collected in general. The GAO report merely added impetus to MARAD's effort to codify guideline rate procedures for bulk cargo vessels and led to a reexamination of the data reporting requirements contained in the bulk regulations under preparation. As noted previously, the regulation was first issued in proposed form on August 8, 1985.

In reviewing the comments presented on this issue, MARAD can find no compelling reason to redirect this regulatory effort from its current course. The need for clear definition of the procedures for calculating guideline rates still exists. As a related matter, MARAD concludes that while there is some rationale to the arguments presented by several commenters that guideline rates are not required when there is substantial competition for cargo, we do not believe that section 901(b), of the Act allows such latitude. The legislative history of section 901(b), as noted in the Comptroller General's



opinion, clearly indicates the rejection of the argument that a rate dictated by market conditions would always be fair and reasonable. The Comptroller General cites the specific removal of the term "market" rate and its replacement with the "fair and reasonable" rate in the construction of the legislation for stating that "fair and reasonable" rates "should not be construed to mean the going market rates as such for the United States-flag commercial vessels."

#### Rate of Return

Most commenters expressed the general opinion that the rate of return set forth in the proposed regulation is inadequate. All commenters on this subject stated that a rate of return based on a transportation industry index is not sufficient to provide a fair return for bulk shipping ventures. All expressed the view that shipping is a high risk venture and that a correspondingly high rate of return is required in order for an operator to attract sufficient venture capital to meet its needs and remain in business. One tug/barge operator added that because most tug/barge operators are small and financing is difficult to obtain, an adequate return is especially critical to this segment of the industry. Four commenters stated that a rate of return geared to the industry's risk level would be more acceptable than a general average rate based on non-maritime industries. One commenter noted that an average rate of return may or may not be adequate to provide a shipping operator with a fair return in any given year. A number of commenters made specific suggestions as to an adequate rate of return and one indicated that the yield on junk bonds would be appropriate. The specific rates of return suggested ranged from 16.5 percent after taxes to 27 percent.

At the public hearing, an adjustable rate of return was suggested, based on a company's overall performance over a year. This concept was supported by a number of other commenters at the hearing. One commenter visualized the concept as an average target rate of return that would permit swings above and below the overall guideline rate, provided that the company's performance for the year averaged out to the target rate of return. In a similar vein, it has previously been suggested by at least one commenter that prior losses be factored into subsequent guideline calculations. Some comment has also been made that the guideline rate should include both a floor and ceiling rate. Another commenter stated that the rate should be calculated on an annualized basis.

With respect to the general concept of a guideline rate which varies as a result of prior company operations, there is considerable evidence that Congress intended that the guideline be an individual fixture rate which acts as a ceiling and that the Government should take advantage of cyclical swings of below ceiling rates. In oversight hearings on the Cargo Preference Act of 1954 by the House Committee on Merchant Marine and Fisheries (*Administration of Cargo Preference Act*, H.R. Rep. No. 80, 84th Cong. 1st Sess. 18 (1955)), the committee reported that "The Government must be in a position to take advantage of the pendulum of supply and demand when it swings in its direction." In view of this guidance, a ceiling rate would be appropriate, but not a floor or variable rate. The ceiling rate would properly protect the Government from paying excessive freight rates. On the other hand, establishment of either a floor or variable rate would place the Government in a position that would be clearly contrary to Congressional intent.

However, we note that a number of contingency factors have been included in this rule to address the problem of cyclical vessel utilization, both on a seasonal and long-term basis. These include the 300 day operating period for capital cost, the 5 and 10 percent delay factors (as appropriate), the 20 year depreciation period, and the 100 percent working capital allowance. The intent of all these devices is not to guarantee a profit for any operator, but is to give the operators the opportunity to earn a profit on the basis of the efficiency of their individual operations.

Because of considerable interest shown by the comments on what constitutes an adequate rate of return or profit, MARAD reviewed alternative methods of calculating a return on the shipowner's investment. The staff surveyed returns over several years on sales, assets, equity and speculative grade bonds. In this regard, MARAD believes that return based on the owner's investment in its assets is the most appropriate tool to base a rate of return. Since returns based on sales and bond yields do not reflect the acquisition of operating assets, they are not useful. A return on assets also presents certain problems as available indices are based on total assets, not fixed assets, and are thus unusable. A return on the operator's equity remains feasible and reflective of a company's actual investment in its vessels. Accordingly, MARAD will continue to use return on equity as a basis for its return on shipowner's investment.

It is noted that the second SNPRM proposed a rate of return based on a cross section of the rates of return experienced in transportation industries, including maritime shipping. MARAD's analysis of various rates of return in transportation fields indicates that a return based on such a cross section generally reflects the risks inherent in the maritime transportation industry. For this reason, MARAD sees no reason to change its views on the rate of return. However, MARAD concedes that market conditions in any given year could cause upward or downward distortions. To correct this, MARAD will use a five year moving average to assure that the return reflects the rate of return or profit a participant in the transportation industry would expect to attain. During its analysis, MARAD also noted the lack of reliable pretax rate of return indices. Accordingly, the rate of return will be based on an after tax rate.

#### Operating Period

Another major area of contention is the 335-day operating period proposed by MARAD in determining daily capital costs. Six commenters responded to this issue. Citing numerous examples of situations wherein a vessel would not be profitably employed, each commenter claimed that actual operating experience showed that 335 days is not a realistic operating period. Of the operators quantifying their experience, actual operating days ranged from 270 days to 326.

The range of operating experience cited above was also discussed in the public hearing. It was agreed that any operator able to attain the high end of the range would have to have access to either in-house or dedicated cargoes. The general consensus was that 270 days is closer to true industry experience, especially for tug/barge operators. Most of the commenters indicated that an average of 300 days would be acceptable.

MARAD believes that the use of an operator's actual experience has some merit. However, MARAD is also mindful that the number of operating days cannot be set at a level so low as to permit the recapture of inordinate amounts of capital costs through the fair and reasonable rate system. In addition, this would also tend to skew the rate of return index and result in higher rates than necessary under the proposed system. In this regard, MARAD notes that the lower 270-day proposal reflects certain market conditions in the domestic tug/barge trades which MARAD believes to be transient and not reflective of the longer term market.



Accordingly, MARAD is willing to accept the 300-day operating period suggested by the commenters as the standard for an efficient operator in determining the capital component.

#### Depreciation

The determination of a depreciation allowance is another issue that generated a number of comments. Generally, the commenters believed that 25-year, straight-line depreciation is not reflective of current industry practice. Two of the commenters also pointed out that in tug/barge operations, a vessel may have a useful life in excess of 25 years. Further, several commenters insisted that they provide a higher level of maintenance than others, which helps to extend their equipment's useful life. Some commenters also believed that an allowance should be made for operators of older equipment to receive a return on their investment in that equipment when the age of the equipment exceeds 25 years. As a related matter, it was suggested that MARAD make a determination of market value for such vessels and use it in the capital calculation. Another commenter believed that because of wear and tear on the equipment, 25 years is too long and that a 15-year period should be used.

Yet another commenter objected to the provision which allows a new capitalized cost for acquired vessels. This commenter stated that depreciation should be based on the vessel's original value less depreciation determined pursuant to an accelerated depreciation method and that changes in ownership should not alter the previously established depreciation value. Still another commenter believed that a 20-year period would be more in keeping with industry practice.

It is recognized that there are many methods of depreciating an asset, but the choice of that method is an individual management decision based on a number of factors. A regulation that is generally applicable to the entire bulk cargo industry cannot and, indeed, should not accommodate all depreciation scenarios. To do so would introduce a number of inequities in the guideline rate calculation that could present problems for the shipper agencies in selecting vessels for the carriage of preference cargoes. The use of a standard depreciation period places operators on an equal footing in bidding for preference cargoes. However, after review of this issue, MARAD believes that a 20-year depreciation period is now the norm for the bulk industry. Accordingly, straight line depreciation

based on a 20-year economic life will be incorporated in the regulation.

With respect to the additional overhaul and major maintenance costs cited by certain tug/barge operators, it should be noted that, in most cases, these items are capitalizable and depreciable over the remaining life of an asset. The rule as proposed would recognize such expenses. For vessels over 10 years old, including otherwise fully depreciated vessels, capitalized expenses would be recognized over a minimum 10-year period. With regard to the establishment of a market value for fully depreciated equipment, MARAD can find no merit in the concept. Aside from the fact that market values tend to be subjective and fluctuate, MARAD can find no basis to allow a cost where none exists. Further, if MARAD were to establish market values on vessels, the actual market value of the vessels could be influenced arbitrarily by MARAD's actions.

Similarly, MARAD cannot find merit in the suggestion that the originally established depreciable value follow the ownership of a vessel. When a new owner makes an investment in an existing vessel, MARAD has no alternative but to recognize the acquisition cost as the vessel's new capital cost, provided acquisition of the vessel is an arm's length transaction.

#### Overhead and Administrative Costs

Five commenters stated that the four percent allowance for brokerage and overhead is inadequate. All pointed out that while the 2.5 percent allowance for brokerage is adequate, the remaining 1.5 percent allowed for overhead is significantly understated. Three of the commenters quantified their opinions, advising that an appropriate allowance for overhead would be 12.5 percent, six percent, and six percent, respectively. Participants attending the public hearing as well as follow-up written comments strongly echoed these views. In addition, one operator stated that the calculation of brokerage and overhead should be separated.

MARAD has conducted a review of in-house data available as well as data provided as a result of the public hearing and finds that there is merit in the operators' claims. The findings show a wide range of overhead expenditures with an overhead figure of six percent generally supportable for overhead and administrative expenses alone. Therefore, the final regulations allows a total of 8.5 percent for brokerage and overhead.

#### Cost Averaging

Generally, the commenters believed that cost averaging will discriminate against some operators. Two commenters noted the inconsistency of averaging all operating costs, except fuel. One commenter stated that: (1) Cost averaging will competitively eliminate approximately one-half of the U.S.-flag operators and reduce the availability of U.S.-flag vessels for the cargo preference trades and that (2) averaging will discriminate against operators of more expensive vessels. This commenter believed that while the Government may save money on the carriage of preference cargoes, it will also reduce utilization of U.S.-flag vessels in the long run.

Another commenter pointed out that cost averaging may make sense for single unit vessels, but not for tug/barge combinations. The commenter claimed that older, single unit U.S.-flag vessels tend to be less efficient and more heavily manned than more modern vessels, partly because of the shift from steam to diesel operation and the greater use of shipboard automation in newer vessels. It is pointed out, however, that technology and manning on tug/barges has not changed significantly in several decades, so that many older tug/barges are as efficient as newer units. This commenter claimed that some older tug/barge units may be more cost efficient than newer units because of lower capital costs. The commenter also believed that averaging penalizes operators who spend more than minimum amounts on maintenance and upkeep and that averages for tug/barges will be skewed because of small category sizes.

Two commenters, on the other hand, laud the use of averaging in the promotion of operator efficiency. However, others pointed out that excluding fuel in the averages for operating costs is inconsistent and promotes inefficiency by restoring a major cost item to operators of vessels with less efficient power plants. Another supported averaging costs to promote efficiency and points out that the use of averaging is also consistent with the intent of the 1954 Cargo Preference statute and maximizes the efficiency of MARAD's data collection procedures. The latter commenter also believed the use of actual fuel costs is inconsistent with the statute and inefficient.

Impetus for the use of averaged operating costs was rooted in the Comptroller General's Opinion (B-95832 of February 17, 1955) and in MARAD's desire to keep an element of competition



in the bidding process for bulk preference cargoes. The Comptroller General wrote that "the statute contemplates average fair and reasonable rates; which may or may not be profitable, or even compensatory, to a high-cost operator." MARAD originally embraced the use of averaging as a method of encouraging efficient vessel operations. However, based on the various comments, and a thorough review of the issue, MARAD now believes that the use of actual costs in the fair and reasonable rate calculation is appropriate.

The staff believes that the Comptroller General's opinion was prepared at a time when little diversity existed in oceangoing vessels and seagoing tug/barge combinations were virtually an unknown entity. Operating costs for the vessels and their operating characteristics were virtually the same. The only major variable in company costs came purely from management decisions. Accordingly, inefficient management was the primary cause of high cost operations. In today's environment, where a wide array of different vessel types compete for cargoes, the basis for the Comptroller General's opinion is no longer completely valid. A high cost vessel or type may be very efficiently operated relative to its characteristics, but may not be viewed as such relative to other vessel types. Accordingly, the guideline rate system should not penalize vessels for their inherent vessel characteristics. Unfortunately, MARAD is unable to determine whether any given vessel is operated efficiently without extensive reporting and review requirements, which are not feasible or appropriate.

Since neither the MARAD staff nor any of the concerned commenters were able to develop a viable alternative which incorporates efficiency incentives, comports with the Comptroller General's opinion and subsequent court decisions, and is fair to all concerned, the staff is persuaded that a system based on actual operating costs for each individual vessel is appropriate. Given modern computer technology, such a system is achievable and maintainable if the data provided by each operator is up to date and correct. Accordingly, MARAD is modifying the proposal to establish a guideline rate system and will use actual operating costs to establish a guideline rate system for each vessel.

#### Fleet Categories

Categorization of vessels generated responses from seven operators. Basically, all the commenters believed that there are too many variables to

make categorization of the fleet feasible. One believed that the size of any particular class or category will distort the data averages. Four others believed that the fleet is too diverse to be categorized fairly. One commenter stated that a category should be based on the operator's ability to carry the cargo and not vessel size.

One commenter raised the point that because of variations in vessel age, capital costs and operating costs vary widely among vessels of any given size. Another commenter stated that no explanation is given as to how categories are developed and, further, that if categories are used they should be based on the cargoes tendered, not vessel size. This commenter also asserted that each category should be large enough to be statistically significant.

With regard to tug/barge operations, one commenter pointed out that diversity of the fleet is more pronounced in the tug/barge segment because of wide variations in barge equipment and tug size.

Another recommended categorization of tug/barges in increments of 5,000 DWT. Yet another commenter suggested increments of 6,000 DWT, if categorization is deemed necessary.

The diversity of the comments received on this subject reflects, among other things, the difficulty in establishing vessel categories. The category concept was based upon MARAD's original intention to average non-fuel operating costs for all operators. It was developed in an effort to avoid comparing bids from vessels of widely varying size against each other. Changes in the method of determining operating costs, previously discussed, now obviate the use of fleet categories and the need for a definition of ITB's as well. Accordingly, vessel categories will be eliminated in the revised guideline regulations.

#### Recovery of Costs

Comments regarding the recovery of certain costs not included in the operating cost calculation were received from five interested parties. Each of the commenters cited particular operating costs which are not covered in the operating costs computation, and expressed the opinion that these costs should be recoverable as legitimate items of expense.

The majority of the comments in this area were received from tug/barge operators. Generally, all of the commenters stated there are certain costs associated with the operation of tug/barge units that are peculiar to the operation of that type of vessel that are

not addressed in the proposed methodology. These costs include extra shoreside cleanup and barge preparation costs, independent survey costs, positioning costs, taping of hatches, and extra supervisory costs.

Two single unit vessel operators also supplied comments on cost recoveries. One simply believed that an operator should be able to recover all costs associated with the operation of a vessel. The other specifically mentioned recovery of positioning costs as a noncovered cost item.

After reviewing the comments received in response to the second SNPRM, and those submitted as a result of the public hearing, MARAD concedes that tug/barge operators have legitimate port and cargo handling costs that are unique to their operations.

However, the second SNPRM allowed for the inclusion of all appropriate port and cargo handling expenses and need not be changed. Operators should take care in reporting the required port and cargo handling information to MARAD so that all appropriate expenses are included. If MARAD determines that such costs are allowable, they will be included.

This would apply to any costs incurred for operations by single unit vessels. However, with respect to positioning time, break-out and layup costs, MARAD has consistently maintained that the deviation to engage in a preference voyage is a management decision, and costs for such decisions are for the account of the company, not the Government. As to oil-to-grain cleaning costs, the preference cargo programs are intended to be support programs for vessels of the appropriate type. Accordingly, MARAD will not allow costs such as oil-to-grain cleaning, positioning voyages, positioning time, or break-out, or layup costs.

#### Return on Working Capital

In their initial comments, two commenters stated that the return on working capital should be 100 percent, based upon the ongoing difficulties that the operators have in recovering payment of freight from third world nations. Recovery is generally slow, and an operator may well be into or have completed other voyages before full payment for a prior voyage is received. The theme of slow payment was reiterated by many of the public hearing attendees. The attendees also pointed out that the final 10 percent of freight due them is often outstanding for long periods of time and seldom is paid in full. MARAD believes there is a demonstrable delay involved in the



present collection process. Since the operators are not receiving their freight payment until near the end of the voyage or afterward, utilization of a 100 percent working capital factor is appropriate. As such, MARAD has modified the proposal to include a return that recognizes 100 percent of working capital expended.

#### Delay Factor

Two commenters expressed opinions that the delay factor built into the operating cost category is not sufficient to cover actual delays. Both cited unusual weather delays, port congestion, and weather among other causes of delay. In addition, they pointed out that certain charter terms almost always have a greater delay factor associated with them. (One operator believed that, at a minimum, 35 percent is appropriate, while another asserted that a 50 percent factor would be most appropriate.) One commenter also pointed out that because of their lashing system, tug/barge units must slow substantially and go into towing modes at very low speeds while at sea in heavy weather.

MARAD has been using certain port delay factors that have proven satisfactory over a long period of time. It will continue to look at types of cargo carried and charter terms for guidance in determining a factor for delays. In this regard, this rule requires the submission of data on preference cargoes carried. If the voyage data indicates greater delays over time, the delay factors will be modified appropriately.

MARAD concedes that in heavy weather tug/barge units which are not fully integrated must slow considerably in a towing mode and that an additional delay factor is warranted. Procedures will be modified to utilize a 10 percent weather delay factor for these units.

#### Confidentiality

Two commenters believed that the confidentiality of data submissions cannot be effectively maintained. Additionally, one of the commenters believed that MARAD does not need the requested data and that is an imposition on the operators to be required to provide the data. The first commenter stated that the risk of disclosure, either accidentally or through the Freedom of Information Act (FOIA), is too great and that there exists a substantial risk of competitive harm through the release of what it believes to be highly sensitive and confidential information.

The second, however, stated that the confidentiality problem might be addressed through embodiment of confidentiality provisions in the

regulation. In the SNPRM, the issue of confidentiality was discussed in the preamble of the regulation but was not incorporated in the regulation. Several operators raised this issue at the public hearing. Most did not question the necessity, but nearly all were concerned of public exposure of the data.

Considering the position taken by the GAO in its report of June 18, 1985, the requirement for data submission in this regulation is justified. However, there are other considerations. Contrary to the belief of the first commenter MARAD does not now have readily available the comprehensive body of data needed to calculate guideline rates except as voluntarily submitted by vessel operators. This is due, in part, to the participation in these programs of operators who have no other reporting requirements to MARAD.

MARAD concedes that the possibility of a leak is always present and currently exists in any program which requires the submission of confidential data. However, the incidence of intentional and accidental leaks of proprietary information is extremely low. Defense of confidential material from discovery under the FOIA is also generally quite successful, except in extreme instances where limited discovery has been ordered by the courts.

MARAD acknowledges that there is merit in the suggestion that confidentiality provisions should be embodied in the regulation. MARAD believes that for these procedures to be effective, MARAD is essential, that operators submit to it proprietary, privileged, commercial and financial information that operators would not otherwise disclose in the ordinary course of business.

Accordingly, the data submission requirements have been amended to incorporate confidentiality provisions similar to those contained in the regulations at 46 CFR part 232, Uniform Financial Reporting Requirements. In this regard, MARAD will make an initial, rebuttable, presumption that all financial and operating data submitted is confidential within the meaning of 5 U.S.C. 552(b)(4). MARAD will contact the operators as required for confirmation of data confidentiality in the event of a request under FOIA for release of any data submissions. MARAD emphasizes that submitters can also help protect data from inadvertent disclosure by clearly marking the data submitted as confidential.

#### Procedures and Definitions

Two commenters stated that parts of the proposed rule are not clear. One wanted the procedures for escalating

cost data and determining variable interest rates more clearly defined, and the process for implementation of the rule clearly set forth. In addition, several tug/barge operators suggested that a definition of a fully integrated tug/barge unit (ITB) be included in the regulation.

Further, one commenter believed that the entire process for determining the guideline rates is based on unsupported assumptions and does not meet the judicial requirements established in *Aeron Marine Co. v. U.S.* 695 F.2d 567 (D.C. Cir. 1982).

Under the regulations, escalation of cost data will be done yearly for wage and non-wage items of expense. Wage items will be escalated on July 1 of each year by the wage index used by MARAD to escalate subsidizable wage costs for ODS purposes. Non-wage items will be escalated on January 1 on a similar basis. With regard to variable interest rates, MARAD will use the rate in effect at the time of the rate calculation. Both of these requirements are incorporated in the regulation.

With respect to the definition of an integrated tug/barge unit, MARAD agrees that a definition that will identify ITB's is required for the proper application of delay factors. Pushing mode ITB's have operational characteristics and seakeeping capabilities similar to single unit vessels of similar size, and most are comparable in size to moderately sized single unit vessels. In this regard, the Coast Guard also views pushing mode ITB's as similar to single unit vessels of the same size. Accordingly, for the purpose of the regulations, MARAD is adopting the definition of Pushing Mode ITB's contained in enclosure (1) to the U.S. Coast Guard's Navigation and Vessel Inspection Circular 2-81, change 1 (NVC 2-81 change 1).

With regard to the requirements of *Aeron v. U.S.*, it appears that the commenter's claim was that various components of the rate determination are based on unsupported assumptions. The commenter asserted that the number of operating days in a year, the working capital requirements, overhead, and loading and discharge factors are unsupported assumptions. MARAD feels this criticism is unfounded. All of the items referred to above are discussed in detail elsewhere in this rule.

#### Participation

Some commenters believed that the regulations will discourage participation of U.S.-flag operators in the preference trades. One states that the uncertainty generated by the rule will discourage new investment in and modernization of



the U.S. merchant marine. Another stated that the rule would discourage participation of American-flag operators in preference trades, reduce the availability of U.S.-flag vessels, and defeat the intent of Congress in establishing the requirement that 75 percent of certain preference cargoes be carried in U.S.-flag ships. MARAD believes that the foregoing comments represent unsubstantiated speculation. The purpose of the various requests for comments and the public hearing was to achieve a rulemaking that is workable and fair to the operators, the Government, and the shipper agencies. MARAD believes that as a result of the rulemaking process, this purpose has been achieved, and that the worst case scenarios envisioned by the commenters will not materialize.

#### Miscellaneous Comments

A number of comments were expressed by a single operator only. These comments are discussed below by operator.

##### *American Trading Transportation Company*

ATT has expressed two general comments on the proposed regulations. First, ATT believes that MARAD should not calculate a precise rate and that absolute accuracy is not required by statute or Congressional intent. Second, ATT stated that MARAD should calculate guideline rates on the basis of industry survey data already available to it and require data submissions and calculate a specific rate only when the agency believes that an operator has submitted a rate that is outrageously unfair and unreasonable.

Contrary to ATT's comment on precise rates, MARAD believes that it was indeed Congress' intent to have clearly defined procedures for calculating guideline rates, based on the best cost information obtainable. Lacking this, MARAD and the shipper agencies could not comply with the statute in evaluating bids as fair and unreasonable. To this end, a precise rate is most certainly required. Further, as pointed out earlier, MARAD's lack of precise and verifiable data has been criticized by the GAO, and MARAD intends to correct this shortcoming.

##### *Liberty Maritime Corp.*

First, Liberty believed that the 70 percent floor limitation on the vessel capacity used to calculate the per ton guideline rate is anticompetitive and will discourage the carriage of smaller lots of cargo in larger vessels. Second, Liberty stated that there should be a trial period during which both MARAD

and the individual operators should share in the process of calculating guideline rate, with MARAD disclosing to each operator how its individual rate was determined. The trial period would be used to fine tune the rate calculation process.

MARAD notes this regulation does not prohibit an operator with a large capacity vessel from bidding on smaller preference cargo lots. However, this regulation does emphasize the uneconomical aspect of such arrangements. It is MARAD's position that the Government should not pay what amounts to an excess premium rate when vessels carry substantially less than their cargo capacity. Accordingly, the 70 percent limitation is fair for rate calculation purposes and will be retained.

As to a trial period, MARAD believes that the procedures contained in this regulation are clear and, further, that they have already been subjected to an extended period of comment and review. A trial period is not deemed necessary.

##### *American Gulf Shipping, Inc.*

ACS commented that the entire regulation should be withdrawn at this time for further study.

As noted above, this regulation has already been subjected to extensive study and review. Through the regulatory process, MARAD believes that a sound methodology has been achieved.

##### *Falcon Shipping Group*

Falcon commented that if the proposed regulations result in a decrease in participation in the preference trades by U.S.-flag operators, a greater number of defaults may occur on vessels that have obtained financing guarantees under title XI of the Act. As previously discussed, MARAD believes that these concerns are purely speculative. MARAD does not concur that such results are inevitable or even likely.

##### *Gulfcoast Transit Company*

GTC believed that the title XI rate of interest should not be used in calculating the interest cost segment in the capital portion of the guideline rate. GTC stated that this rate is not available to many operators using non-title XI financing and is lower than the rates those operators can obtain. As a result, interest costs may be understated.

The regulation calls for the use of the operators' actual interest rate in calculating interest costs in the capital component of the rate. The title XI rate

is only to be utilized in cases where the actual interest rate is not available.

##### *OMI Corp.*

OMI has suggested that depreciation alone is not sufficient to encourage investment in replacement vessels and has suggested that an additional bonus be included in the guideline rate for replacement vessels. MARAD does not concur. MARAD believes that the depreciation allowance is normally set aside for replacement of assets and is adequate for this purpose. An additional allowance is considered unnecessary. In addition, any new replacement vessel entering service would receive its own depreciation allowance. Accordingly, no additional allowance will be included for replacement of vessels.

##### *Keystone Shipping*

During the course of the hearing, Keystone stated that there should be special provisions in the capital portion of the rate for capitalized leases. Similar comments were made on behalf of the Berger Group with reference to previous comments submitted on an earlier NPRM. MARAD considers capital leases to be an alternative form of financing. As a rule, the cost of such leases should be adequately reflected in the existing capital calculation in the rate structure. It is, therefore, necessary for any operator utilizing a capitalized lease to report the capitalized cost of that lease and the imputed interest rate. Accordingly, MARAD does not believe any alteration is necessary to the guideline rate structure, although reporting requirements will be modified to specify that, where appropriate, the required lease information be provided.

##### **Non-MARAD Issues**

During the course of the public hearing, and in several of the supplemental comments provided after the hearing, several issues were raised that are beyond the scope of MARAD's authority. These issues primarily involved inequitable terms in charter parties and abuses by various parties to the charters. One of these subjects was the inadequacy or unfair demurrage and dispatch provisions in the charter parties. Another involved the timing or seasonality of shipments, i.e., heavy vessel utilization at certain times of the year with widespread slack time during other periods. While MARAD can sympathize with the operators in regard to these matters, they are beyond the scope of this regulation. However, the salient comments on these matters have been referred to the appropriate shipper agencies for review and action, and



MARAD has instigated a dialogue on these issues which is currently ongoing.

#### Revised Rate Methodology

The guideline or fair and reasonable rates to be established by MARAD will apply only to the waterborne portion of cargo transportation and will consist of four components: (1) Operating costs; (2) capital costs; (3) port and cargo handling costs; and (4) brokerage and overhead. The operating cost component of the fair and reasonable rate for each participating bulk vessel will reflect actual vessel operating costs based on the historical data submitted in accordance with this rule. MARAD will escalate the operating costs yearly to the current period utilizing escalation factors for wage and non-wage costs. To the extent vessels are time chartered or leased, operators shall submit both operating and capital costs, including capitalized cost and imputed interest rate for vessels subject to capital leases. If these items are unavailable, MARAD will construct appropriate cost factors.

All eligible annual operating costs will be added together for each vessel and divided by the total number of operating days for that vessel to yield a daily operating cost. The cost will be escalated to the current year and multiplied by estimated total voyage days to yield the operating cost segment for the voyage.

Fuel will be figured on the basis of actual reported fuel consumption at sea and in port. The actual fuel consumptions of each vessel will be multiplied by the corresponding projected number of voyage days at sea and in port to yield total fuel consumed. Current fuel prices will be applied to fuel consumed to produce the fuel segment of the operating cost component. The total of the fuel and non-fuel operating cost segments will be added together to yield the operating cost component for the voyage.

The capital cost component will be calculated individually for each participating bulk vessel, and will consist of an allowance for depreciation and interest, and a reasonable return on investment. Depreciation will be straight-line based on a 20-year economic life utilizing a residual value of 2.5 percent. However, if the owner acquired an existing vessel, the vessel will be depreciated on a straight-line basis over the remaining period of its 20-year economic life, but not fewer than 10 years. Capitalized improvements will be depreciated straight-line over the remainder of the 20-year period, but not fewer than 10 years, commencing with the capitalization date for those improvements.

For the purpose of calculating interest expense, it is assumed that original vessel indebtedness is 75 percent of the owner's capitalized vessel cost and that principal payments are made in equal annual installments over a 20-year period. To compute the interest cost, the owner's actual interest rate will be applied to the constructed outstanding debt on the vessel. Where the owner has a variable interest rate, the owner's rate prevailing at the time of calculation will be used. In cases where there is no interest rate available, MARAD will select an appropriate interest rate. A current long-term interest rate (the Title XI rate if available) will be used for operators without vessel debt.

Return on investment will have two components, return on equity and return on working capital. The rate of return will be based upon a five-year average of the most recent rates of return for a cross section of transportation industry companies, including maritime companies. Equity is assumed to be the vessel's constructed net book value less constructed principal. Working capital is the dollar amount necessary to cover operating and voyage expenses.

The annual depreciation, interest, and return on equity will be divided by 300 operating days to determine a daily amount. The total of these elements will be multiplied by estimated voyage days and added to the return on working capital to determine the capital cost component used in the fair and reasonable rate calculation.

The port and cargo handling cost component will be determined for each voyage on the basis of the actual cargo tender terms for the commodity, load and discharge ports, and lot size. The costs will include applicable fees for wharfage and dockage of the vessel, canal tolls, cargo loading and discharging, and all other voyage costs associated with the transportation of preference cargo, except bagging and stacking of cargo at discharge. Costs used to determine the port and cargo cost component shall be based on the most current data from all available sources and verified from data received on completed cargo preference voyages.

To determine the brokerage and overhead component of the fair and reasonable rate, the components for operating, capital, and port and cargo handling will be totaled and multiplied by an 8.5 percent allowance for broker's commissions and overhead. The total of these four components is divided by cargo tons (but not less than 70 percent of the vessel's deadweight) to determine the fair and reasonable rate.

When an operator, whose vessel is to carry or has carried preference cargo,

subsequently arranges to transport an additional (backhaul) cargo for the next leg of the vessel's roundtrip itinerary, MARAD will reexamine the guideline rate that was calculated for the preference voyage. This reexamination may result in the originally calculated guideline rate being recalculated, incorporating the additional voyage itinerary, costs and revenues which occurred as a result of the carriage of the additional (backhaul) cargo. This, in turn, can possibly result in the vessel operator being liable for repayment of some portion of the revenue it derived from the preference cargo, if MARAD's recalculated guideline rate is less than the rate per ton received by the operator from the preference cargo. MARAD will so notify the sponsoring shipper agencies in all such cases for appropriate action in this regard.

If a vessel is scrapped or sold after discharging a preference cargo, the guideline rate will be adjusted to reflect the termination of the voyage after discharge. If the rate received by the operator for the preference cargo exceeds the adjusted guideline rate for the one way voyage, the operator is required to repay the difference in ocean freight to the shipper agency.

The civilian Federal agencies chartering full vessel quantities of cargo subject to the preference laws secure guidance from MARAD as to fair and reasonableness of U.S.-flag rates and as to the eligibility of U.S.-flag vessels for these cargoes. In this context, MARAD's approval of a vessel's eligibility is directly contingent upon compliance by the vessel's operator with the required submission of the cost data specified in the proposed rulemaking.

In special circumstances, such as a rapid change in vessel technology accelerating the end of numerous vessels' economic lives, certain procedures prescribed in this rule may be waived, so long as the procedures adopted are consistent with the Act and with the intent of these regulations.

#### Analysis of Regulatory Impact

This regulation has been reviewed under Executive Order 12291, and it has been determined that this is not a major rule. It will not result in an annual effect on the economy of \$100 million or more. There will be no increase in production costs or prices for consumers, individual industries, Federal, State or local governments, agencies, or geographic regions. Furthermore, it will not adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete



with foreign-based enterprises in domestic or export markets.

While this rulemaking does not involve any change in important Departmental policies, it is considered significant because it addresses a matter of considerable importance to the maritime industry and may be expected to generate significant public interest. MARAD has estimated the potential economic impact of this rulemaking based on a sample of actual fixtures. If in instances where the actual fixture exceeded the guideline rate calculated using this rulemaking and the actual fixture was reduced to the guideline rate, freight charges paid by the government would have been reduced by 0.75%. In 1988, estimated freight charges paid by government agencies covered by this rule was about \$300 million. Under conditions characterizing the study period, total savings are estimated to be \$2.25 million annually. The additional administrative costs to the government and the cost of additional data requirements on operators is estimated to be \$4,347 annually. This cost is less than the annual \$2.25 million savings and therefore the proposed change is justifiable on a cost basis. Because the economic impact should be minimal, further regulatory evaluation is not necessary. Moreover, the Maritime Administration certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

This regulation does not significantly affect the environment. An environmental impact statement is not required under the National Environment Policy Act of 1969. It has also been reviewed under Executive Order 12612, Federalism, and it has been determined that it does not have sufficient implications for federalism to warrant preparation of a Federalism Assessment.

This regulation does contain a requirement for the collection of information that has been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and has been approved (OMB approval No. 2133-0514).

#### List of Subjects in 46 CFR Part 382

Agricultural commodities, Cargo preference, Cargo vessels, Government procurement, Grant programs—foreign relations, Loan programs—foreign relations, water transportation.

Accordingly, 46 CFR chapter II is hereby amended by adding a new part 382, to read as follows:

### PART 382—DETERMINATION OF FAIR AND REASONABLE RATES FOR THE CARRIAGE OF BULK AND PACKAGED PREFERENCE CARGOES ON U.S.-FLAG COMMERCIAL VESSELS

Sec.

382.1 Scope.

382.2 Data Submission.

382.3 Determination of fair and reasonable rates.

382.4 Waiver.

Authority: Secs. 204 and 901 of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1114, 1241); 49 CFR 1.66.

#### § 382.1 Scope.

These regulations prescribe the type of information that must be submitted by operators interested in carrying bulk and packaged preference cargoes, and the method for calculating fair and reasonable rates for the carriage of dry (including packaged) and liquid bulk preference cargoes on U.S.-flag commercial vessels, except less than full cargoes on liner vessels, pursuant to section 901 of the Merchant Marine Act, 1936, as amended.

#### § 382.2 Data Submission.

(a) *General.* The operators shall submit information, described in paragraphs (b) and (c) of this section, to the Director, Office of Ship Operating Assistance, Maritime Administration, Washington, DC 20590. To the extent a vessel is time chartered, the operator shall also submit operating expenses for that vessel. All submissions shall be certified by the operators and are subject to verification, at MARAD's discretion, by the Office of the Inspector General, Department of Transportation. MARAD's calculations of the fair and reasonable rates for U.S.-flag vessels shall be performed on the basis of cost data provided by the U.S.-flag vessel operator as specified herein. Failure of a vessel operator to submit the required cost data will result in MARAD being unable to construct the guideline rate for the affected vessel, which may result in such vessel not being approved by the sponsoring Federal agency.

(b) *Required information for each vessel.* The following information shall be submitted not later than 120 days following the effective date of this part for the previous calendar year and shall be updated not later than April 30 for each subsequent calendar year. In instances where a vessel has not previously participated in the carriage of cargoes described in § 382.1, the information shall be submitted not later than the same date as the offer for carriage of such cargoes is submitted to the sponsoring Federal agency, and/or its program participant, and/or its agent

and/or program's agent, or freight forwarder.

- (1) Vessel name.
- (2) Vessel DWT and net registered tonnage for the Suez and Panama Canals.
- (3) Date built, rebuilt and/or purchased.
- (4) Normal operating speed.
- (5) Daily fuel consumption at normal operating speed, in metric tons (U.S. gallons for tugs) and by type of fuel, per day.
- (6) Fuel consumption in port while pumping and standing, in metric tons (U.S. gallons for tugs), by type of fuel, per day.
- (7) Total capitalized vessel costs (list and date capitalized improvements separately), and applicable interest rates for indebtedness (where capital leases are involved, the operator shall report the imputed capitalized cost and imputed interest rate).
- (8) Operating cost information, such information to be submitted, by vessel, in the format stipulated by 46 CFR 232.1, Form MA-172 Schedule 301. Tug/barge operators shall submit such information separately for each tug and barge employed in the preference trade. Information shall be applicable to the most recently completed calendar year.
- (9) Number of vessel operating days pertaining to data reported in paragraph (b)(8) of this section for the year ending December 31. For purposes of this regulation an operating day is defined as any day on which a vessel or barge unit is in a seaworthy condition, fully manned, and either in operation or standing ready to begin operations.
- (c) *Required port and cargo handling information.* The following port and cargo handling costs shall be provided for each cargo preference voyage within 60 days of the termination of the voyage, identifying the vessel, cargo and tonnage, and round-trip voyage itinerary including dates of arrival and departure at port or ports of loading and discharge.
  - (1) *Port expenses.* Total expenses or fees, by port, for pilots, tugs, line handlers, wharfage, port charges, fresh water, lighthouse dues, quarantine service, customs charges, shifting expense, and any other appropriate expense.
  - (2) *Cargo expense.* Separately list expenses or fees for stevedores, elevators, equipment, and any other appropriate expenses.
  - (3) *Extra cargo expenses.* Separately list expenses or fees for vacuators and/or cranes, lightening (indicate tons moved and cost per ton), grain-to-grain cleaning of holds or tanks and any other appropriate expenses.



(4) *Canal expenses.* Total expenses or fees for agents, tolls (light or loaded), tugs, pilots, lock tenders and boats, and any other appropriate expenses. Indicate waiting time and time of passage.

(d) *Other requirements.* Unless otherwise provided, operators shall use 46 CFR part 232, Uniform Financial Reporting Requirements, and 46 CFR part 272, Maintenance and Repair Reporting Instructions, for guidance in submitting cost data. Data requirements stipulated in paragraph (b) of this section that are not included under those reporting instructions shall be submitted in a similar format. If the operator has already submitted to MARAD, for other purposes, any data required under paragraph (b) of this section its submission need not be duplicated to satisfy the requirements of this regulation.

(e) *Presumption of confidentiality.* MARAD will initially presume that the material submitted in accordance with the requirements of these regulations is privileged or confidential within the meaning of 5 U.S.C. 552(b)(4). In the event of a subsequent request for any portion of that data under 5 U.S.C. 552, MARAD will inform the submitter of such request and allow the opportunity to comment. The submitter shall claim confidentiality at that time by memorandum or letter, stating the basis, in detail, for such assertion of exemption to disclosure, including, but not limited to, statutory and decisional authorities. Those parts not so claimed will be subject to initial determination by the Freedom of Information Act Officer.

(Approved by the Office of Management and Budget under control No. 2133-0514)

#### § 382.3 Determination of fair and reasonable rates.

Fair and reasonable rates for the carriage of preference cargoes on U.S.-flag commercial vessels shall be determined as follows:

(a) *Operating cost component.* An operating cost component, based on actual operating costs of each participating vessel, shall be determined on the basis of operating cost data for the calendar year immediately preceding the current year that has been submitted in accordance with § 382.2. The operating cost component shall include all operating cost categories, as defined by 46 CFR 232.5, Form MA-172 Schedule 301, Operating Expenses. (For purposes of this rule, charter hire expenses are not considered operating costs.) Such data shall be escalated by MARAD yearly to the current period utilizing escalation factors for wage and

nonwage costs applied to those cost categories in escalating operating subsidy costs for the same period. Fuel costs shall be determined individually based on the actual fuel consumptions, at sea and in port, for each vessel and current fuel prices in effect at the time of the preference cargo voyage(s).

(b) *Capital component—(1) General.* A capital cost component shall be constructed for each eligible vessel consisting of vessel depreciation, interest, return on working capital, and return on equity.

(2) *Items included.* The capital cost component shall include:

(i) *Depreciation.* The owner's capitalized vessel cost, including capitalized improvements, shall be depreciated on a straight-line basis over a 20-year economic life, unless the owner has purchased or reconstructed the vessel when its age was greater than 10 years old. To the extent a vessel is chartered or leased, the operator shall submit the capitalized cost and imputed interest rate (in the event these items are not furnished they shall be constructed by MARAD). When vessels more than 10 years old are purchased, a depreciation period of 10 years shall be used. Capitalized improvements made to vessels more than 10 years old will be depreciated over a 10-year period. When vessels more than 10 years old are reconstructed, MARAD will determine the depreciation period. The residual value of the vessel shall be assumed to be 2.5 percent of total capitalized cost.

(ii) *Interest.* The cost of debt shall be determined by applying the vessel owner's actual interest rate to the outstanding vessel indebtedness. It shall be assumed that original vessel indebtedness is 75 percent of the owner's capitalized vessel cost, including capitalized improvements, and that annual principal payments are made in equal installments over the 20-year economic life. If an actual interest rate is not available, MARAD shall select an appropriate interest rate. Where an operator uses a variable interest rate, the operator's actual interest rate at the time of calculation of the guideline rate shall be used. A current long-term interest rate (the title XI rate if available) will be used for operators without vessel debt.

(iii) *Return on working capital.* Working capital shall equal the dollar amount necessary to cover 100 percent of the operating and voyage costs of the vessel for the voyage. The rate of return shall be based on an average of the most recent return of stockholders' equity for a cross section of transportation companies, including maritime companies.

(iv) *Return on equity.* The rate of return on equity shall be the same rate as described in paragraph (b)(2)(iii) of this section. For the purpose of determining equity, it shall be assumed that the vessel's constructed net book value, less outstanding constructed principal, is equity. The constructed net book value shall equal the owner's capitalized cost minus accumulated straight-line depreciation.

(3) *Voyage component.* The annual depreciation, interest, and return on equity shall be divided by 300 vessel operating days to yield the daily cost factors. Total voyage days shall be applied to the daily cost factors and totaled with the return on working capital for the voyage to determine the daily capital cost component.

(c) *Port and cargo handling cost component.* MARAD shall calculate an estimate of all port and cargo handling costs on the basis of the reported cargo tender terms. The port and cargo handling cost component shall be based on the most current information available verified by information submitted in accordance with § 382.2(c), or as otherwise determined by MARAD.

(d) *Brokerage and overhead component.* An allowance for broker's commission and overhead expenses of 8.5 percent shall be added to the sum of the operating cost component, the capital cost component, and the port and cargo handling cost component.

(e) *Determination of voyage days.* The following assumptions shall be made in determining the number of preference cargo voyage days:

(1) The voyage shall be round-trip with the return in ballast, unless the vessel is scrapped or sold immediately after discharge of the preference cargo. In this event, only voyage days from the load port to the discharge port, including time allowed to discharge, shall be included. In the event a backhaul cargo is obtained, an adjustment to allowable voyage days shall be made.

(2) Cargo is loaded and discharged as per cargo tender terms interpreted in accordance with the "international rules for the interpretation of trade terms" (INCOTERMS).

(3) Total loading and discharge time includes the addition of a factor to account for delays and days not worked.

(4) One extra port day is included at each anticipated bunkering port.

(5) An allowance shall be included for canal transits, when appropriate.

(6) Transit time shall be based on the vessel's normal operating speed, and shall include for single unit vessels and fully integrated tug/barge units (ITB's), as defined by the definition of Pushing



Mode ITB contained in U.S. Coast Guard Navigation and Vessel Inspection Circular 2-18, change 1, enclosure (1), an additional five percent to account for weather conditions. An allowance of ten percent shall be added for all other tug/barge units.

(f) *Determination of cargo carried.* The amount of cargo tonnage used to calculate the rate shall be based on the charter party terms. However, in no case shall less than 70 percent of deadweight be used for rate calculation purposes. In instances when separate parcels of preference cargo are booked or considered for booking on the same vessel, whether under a single program or different programs, a guideline rate for each parcel shall be provided based on the combined voyage.

(g) *Total rate.* The fair and reasonable rate shall be the total of the operating cost component, the capital cost component, the port and cargo handling cost component, and the broker's commission and overhead component divided by the amount of cargo to be carried as determined by paragraph (f) of this section, expressed as cost per ton.

#### § 382.4 Waiver.

In special circumstances and for good cause shown, the procedures prescribed in this part may be waived in keeping with the circumstances of the present, so long as the procedures adopted are consistent with the Act and with the intent of these regulations.

By order of the Maritime Administrator.  
Dated: November 22, 1989.

James E. Saari,  
Secretary.

[FR Doc. 89-27846 Filed 11-28-89; 8:45 am]  
BILLING CODE 4910-81-M

## GENERAL SERVICES ADMINISTRATION

### 48 CFR Part 570

[Acquisition Circular AC-89-4]

#### General Services Administration Acquisition Regulation; Revision of Appraisal Requirements Related to Acquisition of Leasehold Interests in Real Property

AGENCY: Office of Acquisition Policy,  
GSA.

ACTION: Temporary rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), Chapter 5 (APD 2800.12A), is temporarily amended to revise sections 570.208-3 and 570.501 to implement, in

part, recommendations of a Public Buildings Service Task Force which recently reviewed the requirements for obtaining appraisals of the fair rental value for acquisitions of leasehold interests in real property.

EFFECTIVE DATE: December 1, 1989.

Expiration Date: November 30, 1990.

FOR FURTHER INFORMATION CONTACT:  
Ida M. Ustad, Office of GSA Acquisition Policy (VP), (202) 566-1224.

#### SUPPLEMENTARY INFORMATION:

##### A. Public Comments

The rule was not published in the *Federal Register* for public comment because it relates to internal operating procedures of the agency and has no impact on lessors.

##### B. Background

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. This rule amends the GSAR to provide internal operating procedures. The Regulatory Flexibility Act does not apply to this rule because the proposed policy was not required to be published in the *Federal Register*. The rule does not contain information collection requirements which require the approval of OMB under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

#### List of Subjects in 48 CFR Part 570

Government procurement.

1. The authority citation for 48 CFR part 570 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. 48 CFR part 570 is amended by the following Acquisition Circular:

#### General Services Administration Acquisition Regulation Acquisition Circular (AC-89-4)

To: All GSA contracting activities.

Subject: Revision of appraisal requirements related to acquisitions of leasehold interests in real property.

1. *Purpose.* This Acquisition Circular temporarily amends the General Services Administration Acquisition Regulation (GSAR) Chapter 5 (APD 2800.12A) to revise the appraisal requirements related to acquisitions of leasehold interests in real property.

2. *Background.* The regulation is being revised to implement, in part, recommendations of a Public Buildings Service Task Force which recently reviewed the requirements for obtaining appraisals of the fair rental value for

acquisitions of leasehold interests in real property.

3. *Effective date.* December 1, 1989.

4. *Expiration date.* This Acquisition Circular expires November 30, 1990, unless canceled earlier.

5. *Reference to regulation.* Sections 570.208-3 and 570.501 of the General Services Administration Acquisition Regulation.

6. *Explanation of changes.*

a. Section 570.208-3 is revised to read as follows:

#### 570.208-3 Appraisal.

(a) Except as provided in paragraphs (b) and (c) below, the contracting officer shall obtain an appraisal of the fair rental value for acquisitions of leasehold interests in real property.

(b) An appraisal of the fair rental value is not required for:

(1) A lease of 2,000 or less net usable square feet if the gross annual rent does not exceed \$50,000 and the aggregate rent during the term, including options, does not exceed \$1 million; or

(2) A lease of 2,001 to 10,000 net usable square feet if the gross annual rent does not exceed \$50,000 and the aggregate rent during the term, including options, does not exceed \$2 million; or

(3) A lease of 2,001 to 10,000 net usable square feet if (i) the gross annual rent exceeds \$50,000; (ii) the aggregate rent during the term, including options, does not exceed \$2 million; and (iii) three or more offers are received that are responsive to the Government's requirements as outlined in the solicitation.

(4) A lease entered into pursuant to FAR 6.302-2 under situations of unusual and compelling urgency.

(c) Notwithstanding the exceptions in paragraph (b) above, the contracting officer shall obtain an appraisal when:

(1) The Government's requirement for space generates or requires new construction or an addition to an existing building;

(2) The space to be leased is for a special purpose facility (e.g., border stations, laboratories, motor pools, etc.);

(3) A sole source leasing action (including extensions or expansions) that will exceed \$100,000 in aggregate rent is involved; or

(4) Market information is not adequate to make a determination that the proposed rental rate is fair and reasonable.

b. Section 570.501 is amended to revise paragraph (d) to read as follows:

#### 570.501 Renewal options.

\* \* \* \* \*



(d) *Reappraisal.* The original appraisal must be updated by memorandum or a new appraisal performed unless one of the exceptions to the appraisal requirement outlined at 570.208-3 applies.

Richard H. Hopf, III,

Associate Administrator for Acquisition Policy.

[FR Doc. 89-27919 Filed 11-28-89; 8:45 am]

BILLING CODE 6820-61-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 49 CFR Part 387

RIN 2125-AC46

#### Minimum Levels of Financial Responsibility for Motor Carriers; Coverage Requirements for Certain Foreign Carriers; Mexico

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

**SUMMARY:** The FHWA is amending part 387, Minimum Levels of Financial Responsibility for Motor Carriers, to allow Mexican motor carriers to satisfy the coverage requirements only during periods these motor carriers are actually operating their commercial motor vehicles in the United States. This action will complement the legislative requirement that all Mexican motor carriers obtain a Certificate of Registration (CR) from the Interstate Commerce Commission (ICC) before entering the United States and the ICC rule implementing the legislation and will facilitate the flow of trade and traffic between the two countries.

**EFFECTIVE DATE:** December 29, 1989.

**FOR FURTHER INFORMATION CONTACT:** Mr. Neill L. Thomas, Office of Motor Carrier Standards, HCS-10, (202) 366-2983; or Mr. Charles E. Medalen, Office of the Chief Counsel, HCC-20, (202) 366-1354, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., Monday through Friday, except legal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Motor Carrier Safety Act of 1984, Public Law 98-554, title II, 98 Stat. 2832 (1984 Act), required Mexican motor carriers performing operations that had been exempt from regulation by the Interstate Commerce Commission (ICC) to obtain a special certificate of

registration (CR) annually in order to continue those operations. To obtain the new CR, affected motor carriers were required, among other things, to demonstrate that they maintained specified levels of insurance coverage. The ICC implemented the law by adopting regulations at 49 CFR part 1171, and a new OP-2 application form. See Certificates of Registration for Certain Foreign Carriers, 133 M.C.C. 511 (1985) (Certificates of Registration). Since the financial responsibility requirements of both the FHWA and the ICC required continuous coverage, no change in the FHWA's rules were necessary at that time.

Congress enacted changes to these requirements in section 9111 of the Truck and Bus Safety and Regulatory Reform Act of 1988, Public Law 100-690, 102 Stat. 4527, at 4531, (1988 Act). The 1988 Act changed the scope and duration of certificates of registration and authorized changes in insurance requirements.

#### 1988 Act

The 1988 Act generally requires all Mexican motor carriers who wish operating commercial motor vehicles in the United States commercial zones (see 49 U.S.C. 10922(1)(2)(B)) to obtain a CR prior to such operation. Further, those motor carriers must demonstrate that they maintain specified levels of insurance coverage.

Section 9112 of the 1988 Act amended section 30 of the Motor Carrier Act of 1980 by redesignating subsection (g) as subsection (h) and inserting a new subsection (g) which reads as follows:

(g) *Insurance for Foreign Motor Carriers.*—The Secretary of Transportation may issue regulations which permit foreign motor carriers and foreign motor private carriers (as such terms are defined under section 10530 of title 49, United States Code) providing transportation of property under a certificate of registration issued under such section to meet the minimum levels of financial responsibility established by or under this section only during periods in which such carriers are providing transportation of property in the United States.

#### ICC Action

In the matter of "Applications For Certificates of Registration For Certain Foreign Carriers" (Ex Parte No. 55 (Sub-No. 74A)), the ICC issued a decision and a companion Notice of Proposed Rule Making (NPRM) on June 9, 1989. The NPRM was subsequently published in the *Federal Register* on June 12, 1989 at 54 FR 24919. The ICC proposed modifications to its regulations and CR application procedure to conform to the new statutory requirements.

In its decision, the ICC stated:

*Insurance.* The insurance requirement for CRs has changed in two respects. The first change pertains to the insurance coverage that must be held by foreign motor private carriers of non-hazardous commodities. The 1984 Act required these carriers to maintain insurance only at the level prescribed by the States in which they would operate. In some cases, most notably Texas, that amount was considerably lower than the amount required of interstate carriers generally. Under the 1988 Act, all carriers needing a CR to operate into the United States must demonstrate, as proof of minimum financial responsibility, that they maintain insurance coverage at least at the levels prescribed under section 30 of the Motor Carrier Act of 1980 (MCA), and under the laws of the States in which the carrier is operating, to the extent applicable. Thus, motor foreign private carriers of non-hazardous commodities will have to maintain the same amount of insurance as the for-hire foreign motor carriers (the same amount required of all U.S. interstate carriers).

The second area of change affects the period of time insurance coverage must be in effect. Section 9112 of the 1988 Act permits DOT to amend its regulations to allow a carrier subject to the CR requirement to meet the minimum financial responsibility requirements *only* during periods these carriers are actually operating in the United States. In other words, DOT may adopt regulations providing for "trip" insurance, rather than the continuous 365-days-a-year coverage now required that has been a problem for many Mexican carriers.

Section 9111(h) amends 49 U.S.C. 10927(a) to require *all* applicants for a CR to file with the Commission evidence approved by the Commission that they meet minimum levels of responsibility not less than those prescribed by DOT under section 30 of the MCA, and the laws of the States in which they operate. The Commission now requires this coverage to be continuous (and at the same level as the DOT level), with the result that, when a carrier's insurance coverage lapses, the carrier's authority is revoked. Unless DOT adopts regulations providing for trip insurance, our continuous coverage requirement will remain in effect. Should DOT adopt the trip insurance alternative, we will amend our rules accordingly.

#### Discussion

The 1988 Act still requires a foreign motor carrier to demonstrate that it is fit, willing, and able to provide the transportation to be authorized by the CR and to comply with the statute and the regulations of the ICC and the DOT. The phrase "fit, willing, and able" is defined as safety fitness and proof of minimum financial responsibility (insurance). It is clear that Congress wanted all Mexican motor carriers to have a CR before operating a commercial motor vehicle into this country. To facilitate the flow of trade and traffic between the two countries, the FHWA believes it is necessary to provide a means by which the Mexican



motor carriers may obtain the required minimum financial responsibility coverage more easily and without compromising safety in any way. The FHWA will, therefore, allow Mexican motor carriers to obtain insurance coverage, in the required amount, for periods of 24 hours or longer, from insurers that meet the requirements of 49 CFR 387.11 or 387.35.

The ICC in its decision in *Ex Parte No. 55* (Sub-No. 74A), Application for Certificates of Registration for Certain Foreign Carriers, served October 18, 1989, commented on its willingness to amend its rules requiring continuous insurance coverage and to adopt the DOT's rules covering trip insurance. Since the DOT will now recognize trip insurance, we would expect that once the ICC adopts our regulations, applicants will not be required to include proof of insurance as a condition to the issuance of a Certificate of Registration by the Commission.

A Mexican motor carrier issued a Certificate of Registration (CR) must show proof of insurance upon entering the United States by having available for inspection, in each of its vehicles, a copy of the CR attached to the required insurance endorsement (either Form MCS-90 or MCS-90B). In addition the carrier must present an insurance identification card, binder or similar document that specifies both the effective date and the expiration date of the trip insurance authorized by this rulemaking.

#### Regulatory Impact

The ICC is in the process of amending its regulations to implement the statutory requirements of the 1988 Act. It is anticipated that the new CR regulations will be effective January 1, 1990. If the orderly flow of traffic and goods between the United States and Mexico is to continue, this amendment to Part 387 must be in place by that date. The amendment imposes no additional burden on industry or the general public; it simply codifies a limited exception to the Federal Motor Carrier Safety Regulations which has already been authorized by Congress. The FHWA therefore finds good cause to promulgate the amendment as a final rule without prior notice. Notice and opportunity to comment are not required under the regulatory policies and procedures of the DOT because it is not anticipated that such action could result in the receipt of useful information in view of the ministerial nature of this rulemaking action which is expressly authorized by section 9112 of the 1988 Act.

The FHWA has determined that this document does not contain a major rule

under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the DOT. It is anticipated that the economic impact of this rulemaking, although expressly authorized by a statutory provision, will be minimal. Therefore, a full regulatory evaluation is not required. For this reason and under the criteria of the Regulatory Flexibility Act, of FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

#### List of Subjects in 49 CFR Part 387

Highways and roads, Financial responsibility, Insurance, Motor carriers.

Issued on: November 21, 1989.

T.D. Larson,  
Administrator.

In consideration of the foregoing, the FHWA is amending title 49, Code of Federal Regulations, subtitle B, chapter III, part 387 as set forth below:

#### PART 387—MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS

1. The authority citation for 49 CFR part 387 continues to read as follows:

Authority: 49 U.S.C. 10927 note; and 49 CFR 1.46.

2. Section 387.7(b) is amended by adding a new paragraph (b)(3) to read as follows:

#### § 387.7 Financial responsibility required.

(b) \* \* \*

(3) *Exception.* Mexican motor carriers may meet the minimum financial responsibility requirements of this subpart by obtaining insurance coverage, in the required amounts, for periods of 24 hours or longer, from

insurers that meet the requirements of § 387.11 of this subpart. A Mexican motor carrier so insured must have available for inspection in each of its vehicles copies of the following documents:

- (i) The Certificate of Registration;
  - (ii) The required insurance endorsement (Form MCS-90); and
  - (iii) An insurance identification card, binder, or other document issued by an authorized insurer which specifies both the effective date and the expiration date of the temporary insurance coverage authorized by this exception.
- Mexican motor carriers insured under this exception are also exempt from the notice of cancellation requirements stated on Form MCS-90.

3. Section 387.15 is amended by revising the introductory text preceding Illustration I to read as follows:

#### § 387.15 Forms.

Endorsements for policies of insurance (Illustration I) and surety bonds (Illustration II) must be in the form prescribed by the FHWA and approved by the OMB. Endorsements to policies of insurance and surety bonds shall specify that coverage thereunder will remain in effect continuously until terminated, as required in § 387.7 of this subpart. The continuous coverage requirement does not apply to Mexican motor carriers insured under § 387.7(b)(3) of this subpart. The endorsement and surety bond shall be issued in the exact name of the motor carrier.

4. Section 387.31(b) is amended by adding a new paragraph (b)(3) to read as follows:

#### § 387.31 Financial responsibility required.

(b) \* \* \*

(3) *Exception.* Mexican motor carriers may meet the minimum financial responsibility requirements of this subpart by obtaining insurance coverage, in the required amounts, for periods of 24 hours or longer, from insurers that meet the requirements of § 387.35 of this subpart. A Mexican motor carrier so insured must have available for inspection in each of its vehicles copies of the following documents:

- (i) The Certificate of Registration;
- (ii) The required insurance endorsement (Form MCS-90B); and
- (iii) An insurance identification card, binder, or other document issued by an authorized insurer which specifies both the effective date and the expiration



date of the temporary insurance coverage authorized by this exception. Mexican motor carriers insured under this exception are also exempt from the notice of cancellation requirements stated on Form MCS-90B.

\* \* \*

3. Section 387.39 is amended by revising the introductory text preceding the endorsement to read as follows:

**§ 387.39 Forms.**

Endorsements for policies of insurance (Illustration I) and surety bonds (Illustration II) must be in the form prescribed by the FHWA and approved by the OMB. Endorsements to policies of insurance and surety bonds shall specify that coverage thereunder will remain in effect continuously until terminated, as required in § 387.31 of

this subpart. The continuous coverage requirement does not apply to Mexican motor carriers insured under § 387.31(b)(3) of this subpart. The endorsement and surety bond shall be issued in the exact name of the motor carrier.

\* \* \*

[FR Doc. 89-27884 Filed 11-28-89; 8:45 am]

BILLING CODE 4910-22-M



# Proposed Rules

Federal Register

Vol. 54, No. 228

Wednesday, November 29, 1989

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

### 24 CFR Parts 200 and 203

[Docket No. R-89-1411; FR-2433-P-1]

#### Authorize Additional Types of Mortgages and Loans for Direct Endorsement Processing

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Proposed rule

**SUMMARY:** Under current regulations mortgages insured under sections 203(k) (Rehabilitation Mortgage Insurance); 222 (Mortgage Insurance for Servicepersons); and 240 (Purchase of Fee Simple Title from Lessors) of the National Housing Act may not be processed under the Direct Endorsement Program. Also, mortgages currently eligible for direct endorsement processing may not be insured pursuant to section 233(c) (Mortgage Insurance in Federally Impacted Areas) or section 223 (Miscellaneous Housing Insurance) of the National Housing Act. This rule proposes to make two programs under section 223 and all of the other types of mortgages cited above eligible for processing through the Direct Endorsement Program. The proposal is based on the Department's belief that the availability of direct endorsement processing for these loans would not present any unusual or unacceptable insurance risk.

The rule also proposes to make a number of technical or "housekeeping" amendments relating to the Direct Endorsement Program.

**DATE:** Comment due date: December 29, 1989.

**ADDRESS:** Communications concerning this rule should be identified by the above docket number and title and

comments should be filed with the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Copies of written views or comments will be available for public inspection and copying during regular business hours (7:30 a.m. to 5:30 p.m.) at the above address.

As a convenience to commenters, the Rules Docket Clerk will accept brief public comments transmitted by facsimile (FAX) machine. The telephone number of the FAX receiver is (202) 755-2575. (This is not a toll-free number.) Only comments of six or fewer total pages will be accepted via FAX transmittal. This limitation is necessary in order to assure reasonable access to the equipment. Comments sent by FAX in excess of six pages will not be accepted. Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Rules Docket Clerk ((202) 755-7084.)

**FOR FURTHER INFORMATION CONTACT:** Stephen A. Martin, Director, Office of Insured Single Family Housing, Room 9266, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 755-3046. (This is not a toll-free number.)

#### SUPPLEMENTARY INFORMATION:

On March 22, 1983 HUD published a final rule delegating to eligible mortgages the authority to underwrite and close certain types of single family mortgages for submission to HUD/FHA for mortgage insurance endorsement (48 FR 11937). Under this new "direct endorsement" program, single family mortgage insurance loans, as defined under sections 203(b), 203(i), 221(d)(2), 234(c) and 245(a) of the National Housing Act, are eligible for direct endorsement processing (see 24 CFR 200.163(a)(1)). This rule proposes to add to this list of eligible loans those defined under sections 203(k), 222 and 240 of the National Housing Act.

Section 203(k) provides mortgage insurance to facilitate the rehabilitation of one- to four-family properties. Under the 203(k) program, HUD insures rehabilitation loans to (1) finance rehabilitation of an existing property; (2) finance rehabilitation and refinancing of the outstanding indebtedness of a property; and (3) finance purchase and

rehabilitation of a property. An eligible rehabilitation loan must involve a principal obligation not exceeding the amount allowed under the section 203(b) basic home mortgage insurance program. Legislation establishing this program was enacted in 1961. As of November 1987, 4,496 loans have been insured under this program with a value of \$95,409,413. Experience under the program has demonstrated that it presents no unusual risks and that loans under it could be processed through the direct endorsement program.

Section 222 was enacted in 1954. Under it, the Department of Defense, Transportation (Coast Guard) or Commerce (National Oceanic and Atmospheric Administration) may pay the HUD/FHA mortgage insurance premium on behalf of service members on active duty under their jurisdiction. In general, the mortgages may finance single family dwellings or condominiums insurable under standard HUD home mortgage insurance programs. As of November 1987, 274,869 housing units have been insured under this program with a value of \$4,525,190,502. Experience under this program has demonstrated that it presents no unusual risks and that loans under it could be processed through the direct endorsement program.

Section 240—Purchase of Fee Simple Title from Lessors—Provides for insurance of mortgage loans to finance the purchase of fee simple title from lessors. The mortgagor must be a homeowner under a long-term lease on a property on which there is a residential structure of no more than four family units. As of November 1987, 359 mortgages have been insured under the program with a value of \$8,868,950. (The program is limited since ground leases are not common in all areas of the country.)

Below are statistics for Fiscal Years 1983 through 1987 showing the number of cases insured, claims paid and the claims rate for the 203(k), 222 and 240 programs. Also shown are early default and claim reports showing the default/claim rates on all Direct Endorsement and HUD processed cases insured during Fiscal Years 1986 and 1987. While the report on the sections proposed to be added in this rule is not strictly comparable with the early default and claim reports, it is evident that the claim rates for the programs



proposed to be added are not inordinately high compared to the FY 1986 rate for HUD-processed claims. (Cases endorsed in FY 1987 have not had time to establish a valid default/claim rate.)

The default/claims rate report for 1986, however, does indicate a lower percentage for Direct Endorsement processed cases (2.11) as compared to regular processed cases (4.02). This same trend is continuing with the FY-

1987 figures (Direct Endorsement—0.96; Regular—1.61). With the Direct Endorsement default/claims rates being less than that for HUD processing, the Department feels justified in believing that Direct Endorsement lenders are acting responsibly.

Since the volume of mortgages insured under the programs this rule would include is so low (about 400 per year combined), we are convinced that any increased risk to the Department by

including these programs would have minimal impact on the insurance funds.

#### Number of Loans Endorsed 1983-1987

#### Number of Claims Through 03/08/88 by Section

Section	Number Insured	Number of Claims	Claims Rate
203(k) .....	1,448	46	3.18
222 .....	246	6	2.44
240 .....	54	0	.00

#### Default—Claims Rate for FY 1986-1987 Endorsements

	HUD-Processed Endorsements	HUD-Processed defaults	HUD-Processed Claims	HUD-Percent
1986 Total .....	220,031	6,152	2,698	4.02
1987 Total .....	184,777	218	2,756	1.61

	Direct Endorsements	D.E. Defaults	D.E. Claims	D.E. Percent
1986 Total .....	556,937	8,535	3,421	2.11
1987 Total .....	1,149,792	749	10,259	.96

1986 Total Endorsed, 786,968  
1987 Total Endorsed, 1,334,569  
1986 Total Claims & Defaults, 20,806  
1987 Total Claims & Defaults, 13,962

Under the direct endorsement program, certain categories of single family mortgages are specifically listed as ineligible for processing (see 24 CFR 200.163(a)(2)). Among those listed are mortgages insured pursuant to section 238(c) of the National Housing Act. This rule proposes to remove from the current list of ineligible mortgages those insured pursuant to section 238(c) and 223(a)(7).

Section 238(c) makes available Federal mortgage insurance for housing in areas affected by military installations. Mortgage insurance can be provided under various insurance sections of Title II of the National Housing Act. With respect to this rule and the direct endorsement program however, only one- to four-family mortgages are relevant. Properties are eligible, provided certain certifications are received from the Secretary of Defense and certain findings are made by the Secretary of HUD, where there is a military impact upon a local economy to the extent that a mortgage would not normally be insured. Such mortgages are an obligation of the Special Risk Insurance Fund. Legislation establishing this program was enacted in 1974. As of November 1987, 498 units have been insured under this authority, with a value of \$21,186,963. While experience under this program has not been

extensive, it has been adequate to demonstrate that it presents no risks incommensurate with those HUD is authorized to incur in connection with obligations of the Special Risk Insurance Fund, and that the loans could be processed through the direct endorsement program.

Section 223(a)(7) makes available Federal mortgage insurance for the refinancing of an existing mortgage, insured under a section of the National Housing Act, where the refinancing mortgage does not meet all eligibility requirements of that section, provided the following conditions are met (1) the new mortgage must be in an amount which does not exceed the lesser of (a) the original principal amount of the existing mortgage, or (b) the sum of the unpaid principal balance of the existing mortgage plus loan closing charges; (2) the term does not exceed the unexpired term of the existing mortgage, or an extended term acceptable to the Commissioner; (3) the new mortgage will result in a reduction in regular monthly mortgage payments, and (4) the mortgagors record of payment on the existing mortgage meets standards established by the Commissioner. Regulatory provisions implementing section 223(a)(7) are contained in 24 CFR 203.43(c) and 234.52.

Mortgages insured pursuant to section 223(a)(7) are insured under the regular National Housing Act sections such as 203(b) or 234 and are not separated out

by virtue of their having been processed pursuant to 223(a)(7). Any default or claims information would be reflected in that section under which the new mortgage was insured. No separate default or claim data is kept under the category 223(a)(7).

Under the heading of technical or housekeeping amendments the rule proposes to revise § 200.164(c)(2). That paragraph currently requires a direct endorsement mortgagee (other than a supervised mortgage or governmental institution) to be approved as a Federal National Mortgage Association (FNMA) seller, an issuer of Government National Mortgage Association (GNMA) mortgage-backed securities, or to have a net worth, in assets acceptable to the Secretary, of not less than \$250,000. The rule proposes to strike the references to FNMA and GNMA approval. Thus, all affected mortgagees would have to meet the \$250,000 net worth requirement. The Department has found the FNMA and GNMA alternatives for meeting HUD's financial responsibility requirement redundant and, at times, not entirely reliable.

The rule also proposes to revise § 203.258. That section currently authorizes a mortgagee to release a mortgagor from personal liability on a mortgage note and still retain the benefits of FHA insurance if it obtains the Secretary's approval of a substitute mortgagor (assumptor), who assumes personal liability and agrees to pay the



mortgage debt. The rule would add a sentence to this section stating: "Direct endorsement mortgagees need not obtain specific secretarial approval but may themselves approve an appropriate substitute mortgagor." Delegating this authority to the direct endorsement mortgagee is fully consistent with other delegations made in the program. Through an oversight this particular delegation was not made at the inception of the program.

#### Procedural Requirements

In accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of smaller entities. Direct endorsement processing is essentially a procedural device that does not affect the availability of FHA insurance to small mortgagees, but only the means by which their applications for mortgage insurance are processed.

This rule was listed in the Department's Semiannual Agenda of Regulations published on October 30, 1989 (54 FR 44702) as item H-4-88 (Sequence No. 1042) under Office of Housing in compliance with Executive Order 12291 and the Regulatory Flexibility Act.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours (7:30 a.m. to 5:30 p.m.) in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulations issued by the President on February 17, 1981. Analysis of the proposed rule indicates that it does not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises in domestic or export markets.

The Secretary has determined that good cause exists for making this rule effective as soon as after publication as

possible. Of particular importance is early authorization to use the direct endorsement processing in conjunction with the section 203(k) rehabilitation loan program. Both this Department and program participants agree that the section 203(k) can be a useful tool for the provision of affordable housing. Accordingly, this rule is being promulgated with a 30 (rather than 60) day period for public comment in order to conjoin the benefits of Direct Endorsement with the section 203(k) insuring authority at the earliest feasible date. HUD's original Direct Endorsement Program regulations were adopted after notice and comment rulemaking. (The proposed rule was published at 47 FR 53038, November 24, 1982.) The program has been operational for more than six years. Applying these procedures to the additional insuring authorities set out in this document should present no new issues or concerns. The public comments received will, of course, be taken into account in promulgating the final rule.

The catalog of Federal Domestic Assistance program numbers are 14.108, 14.165 and 14.166.

#### List of Subjects

##### 24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan programs: housing and Community development, Mortgage insurance, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Minimum Property Standards, Incorporation by reference.

##### 24 CFR Part 203

Home improvement, Loan programs, Housing and community development, Mortgage insurance, Reporting and recordkeeping, Urban renewal.

Accordingly, 24 CFR parts 200 and 203 are proposed to be amended as follows:

#### PART 200—INTRODUCTION

1. The authority citation for 24 CFR part 200 would be revised to read as follows:

Authority: Titles I and II, National Housing Act (12 U.S.C. 1701-1715z-18); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. Paragraphs (a)(1), (2), and (3), paragraphs (b)(2), (5)(xi) (A) through (I), and paragraphs (c) (1) through (5), and (c)(7) of § 200.163 would be revised to read as follows:

#### § 200.163 Direct endorsement.

(a) \* \* \*

(1) Single family mortgage insurance loans defined under sections 203(b), 203(i), 203(k), 221(d)(2), 222, 234(c), 240 and 245 of the National Housing Act would be eligible for processing under this section.

(2) Single family mortgages insured under any of the programs listed in paragraph (a)(1) of this section pursuant to sections 223 (except for subsection 223(a)(7)), 225, 244, 247, or 248 of the National Housing Act are not eligible for processing under this section. The provision contained in 24 CFR 221.55 which permits a builder-mortgagor to sell a property to a displaced family on a deferred basis is not available in the Direct Endorsement program.

(3) The Secretary shall publish in the Single Family Direct Endorsement Program handbook a list of the mortgage loans by type which are eligible for Direct Endorsement processing under this section. Such listing shall set forth with particularity the required certifications applicable to each mortgage type.

(b) \* \* \*

(2) *Guidelines for underwriting procedures.* The Secretary shall publish guidelines for underwriting procedures in the Single Family Direct Endorsement Program handbook. Compliance with these guidelines is deemed to be the minimum exercise of due diligence in underwriting mortgage loans.

\* \* \*

(5) \* \* \*

(xi) \* \* \*

(A) That the mortgage satisfies the requirements (as appropriate) of 24 CFR 203.17, or the requirements of § 203.17 as made applicable in § 222.1(a), or the requirements of 24 CFR 203.50(i), 221.5, 221.25, 221.30, 221.32, 221.35, or 221.40, and 221.45, 234.25, or 240.16;

(B) That the mortgage shall be on real estate held in fee simple, or on a leasehold under a lease for not less than 99 years which is renewable, or under a lease which otherwise meets the requirements of 24 CFR 203.37, 240.15 or 203.37 as made applicable in §§ 221.1(a), 222.1(a) or § 234.65;

(C) That any graduated payment mortgage meets the requirements established under 24 CFR 203.45, 203.45 as made applicable in § 222.1(a) or § 234.75; any growing equity mortgage meets the requirements established under 24 CFR 203.47 or 234.77; and any adjustable rate mortgage meets the requirements established under 24 CFR 203.49 or 234.79;



(D) That the property covered by the mortgagee meets the flood plain requirements set forth in § 203.16a, or § 203.16a as made applicable in §§ 221.1(a), 222.1(a) or § 234.17;

(E) That the stated mortgage amount (1) satisfies the requirements of

(i) 24 CFR 203.18, 203.18a, 203.18b, 203.29; or

(ii) 24 CFR 203.29 as made applicable in §§ 221.1(a), 221.10, 221.11, 221.20, 221.50, 234.27, or § 234.49; or

(iii) 24 CFR 203.50(b), 222.3, or 240.5; and

(2) For a mortgage given to refinance a mortgage, the stated amount satisfies the limitations set forth in paragraph (b)(5)(xi)(E)(i) of this section, and any further limitation prescribed by the Secretary.

(F) That the mortgagor has made the minimum investment required by 24 CFR 203.19, 221.50, 222.5, or 234.28, and no prepaid expenses other than those listed in 24 CFR 221.54 and those specifically approved by the Secretary were included in determining the mortgagor's minimum investment.

(G) That for a mortgage involving refinancing to be insured under 24 CFR 221.21, the mortgagor, in addition to limitations contained in §§ 221.10, 221.11 and 221.20, does not exceed the estimated cost of repair and rehabilitation and the amount required to refinance the existing indebtedness secured by the property.

(H) That for a property located in an outlying area, the mortgage meets the requirements of 24 CFR 203.18(d); and

(I) That a mortgage to be insured under section 234(c) of the National Housing Act meets the requirements of 24 CFR 234.59.

(c) \* \* \*

(1) That the mortgage property is located in a community where the housing standards and location meet the requirements of the Secretary as required by 24 CFR 203.40, 203.43i(a), or by § 203.40 as made applicable in § 222.1(a), or § 240.1(a);

(2) That there is located on the mortgage property a dwelling unit designed principally for residential use for not more than four families, as required by 24 CFR 203.38, 222.9, or 240.15, or by 203.38 as made applicable in § 221.1(a);

(3) That the mortgagor's monthly mortgage payments will not be in excess of his or her reasonable ability to pay, as required under 24 CFR 203.21, 221.1(a), 222.1(a), 240.1(a), or as required under § 234.36;

(4) That the mortgagor's income is and will be adequate to meet the periodic payments required for the mortgage submitted for insurance, as required

under 24 CFR 203.33, 221.2(a), 222.1(a), 234.56, or 240.1(a);

(5) That the mortgagor's general credit standing is satisfactory, as required under 24 CFR 203.34, or 203.34 as made applicable in §§ 221.1(a), 222.1(a), 234.57, or § 240.1(a).

\* \* \* \* \*

(7) In cases where the mortgaged property is subject to—

(i) A secondary mortgage or loan made or insured, or other secondary lien held, by a Federal, State or local government agency or instrumentality or

(ii) A second mortgage held by a mortgagee that is not a Federal, State or local government agency or instrumentality or

(iii) A junior (second or third) mortgage securing the repayment of funds advanced to reduce the mortgagor's monthly payments on the insured mortgage following the date it is insured; that the applicable requirements of 24 CFR 203.32 (b), (c) or (d) as made applicable in § 221.1(a), 222.1(a), or § 234.55 are met;

\* \* \* \* \*

3. Paragraph (c)(2) of § 200.164 would be revised to read as follows:

**§ 200.164 Approval of direct endorsement mortgages.**

\* \* \* \* \*

(c) \* \* \*

(2) The mortgagee, other than a supervised mortgagee or governmental institution, has a net worth, in assets acceptable to the Secretary, of not less than \$250,000.

\* \* \* \* \*

#### **PART 203—MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS**

4. The authority citation for 24 CFR part 203 would continue to read as follows:

Authority: Secs. 203 and 211, National Housing Act (12 U.S.C. 1709, 1715b); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)). In addition, subpart C is also issued under sec. 230, National Housing Act (12 U.S.C. 1715u).

5. Section 203.258 is revised to read as follows:

**§ 203.258 Assumption with or without release of mortgagor.**

The mortgagee may effect the release of a mortgagor from personal liability on a mortgage note while retaining the benefits of insurance under this part if it obtains the Secretary's approval of a substitute mortgagor (assumptor) who assumes personal liability and agrees to pay the mortgage debt. Direct endorsement mortgagees need not

obtain specific secretarial approval but may themselves approve an appropriate substitute mortgagor.

Dated: November 14, 1989.

C. Austin Fitts,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 89-27856 Filed 11-28-89; 8:45 am]

BILLING CODE 4210-27-M

#### **DEPARTMENT OF TRANSPORTATION**

##### **Coast Guard**

##### **33 CFR Parts 154, 155, and 156**

##### **46 CFR Parts 32, 35, and 39**

[CGD 88-102]

RIN 2115-AC65

##### **Marine Vapor Control Systems**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** On October 6, 1989, the Coast Guard published a notice of proposed rulemaking (54 FR 41366) proposing to adopt new regulations for the safe design installation, and operation of marine vapor control systems. Because of requests for additional time to comment on the proposed rulemaking, the comment period is being extended for 42 additional days.

**DATE:** Comments must be received on or before January 2, 1990.

**ADDRESSES:** Comments should be mailed to the Executive Secretary, Marine Safety Council (G-LRA-2/3600) (CGD 88-102), U.S. Coast Guard, 2100 Second St. SW., Washington, DC 20593-0001, (202) 267-1477. Comments may also be delivered to and will be available for inspection and copying at the Marine Safety Council, room 3600, U.S. Coast Guard, 2100 Second Street SW., Washington, DC, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Robert H. Fitch, Office of Marine Safety, Security and Environmental Protection (G-MTH-1), room 1214, (202) 267-1217, between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** The notice of proposed rulemaking published on October 6, 1989, invited and encouraged interested persons to participate in this proposed rulemaking by submitting written views, data or arguments by November 20, 1989.



Several persons requested additional time to prepare comments, citing the difficulty in preparing meaningful responses within the original 45 day comment period. Because of these requests, the comment period is extended for 42 additional days until January 2, 1990.

Comments should include the name and address of the person making them, identify this notice (CGD 88-102) and the specific section of the proposal to which each comment applies, and give the reason for each comment. If an acknowledgment is desired, a stamped self-addressed post card or envelope should be enclosed. The rules as proposed may be changed in light of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

Dated: November 20, 1989.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 89-27591 Filed 11-22-89; 8:45 am]

BILLING CODE 4910-14-M

## National Highway Traffic Safety Administration

### 49 CFR Part 591

[Docket No. 89-5; Notice 3]

RIN 2127-AD00

## Importation of Motor Vehicles and Equipment Subject to Federal Safety, Bumper, and Theft Prevention Standards

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The purpose of this notice is to propose amendments to the recently adopted regulation of the National Highway Traffic Safety Administration governing importation of motor vehicles and equipment subject to the Federal motor vehicle safety standards. The first amendment would add the agency's bumper and theft prevention standards to those Federal standards for which conformity is necessary for permanent importation of a motor vehicle into the United States. Although conformity of imported cars with these standards is required by statute, current importation regulations have never been amended to include them. The second amendment would extend coverage of the bond required by NHTSA for a demonstration of conformity with the safety standards,

to vehicles imported between January 31, 1990, and October 31, 1992, by importers who owned the vehicle as of October 31, 1988, and whose assigned place of employment was outside the U.S. at times from that date until the time of importation. This bond would supersede the current equivalent Customs bond. The third amendment would specify the terms and conditions of the two NHTSA bonds. The final amendment proposes procedures for submitting petitions for remission and mitigation of bond forfeiture.

**DATES:** The comment closing date for the proposal is December 29, 1989. The effective date of the final rule will be January 31, 1990.

**ADDRESS:** Comments should refer to the docket number and notice number of this notice and be submitted to: Docket Section, room 5109, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. (Docket hours are from 8 a.m. to 4 p.m.).

**FOR FURTHER INFORMATION CONTACT:** Taylor Vinson, Office of Chief Counsel, NHTSA, (202-366-5263).

**SUPPLEMENTARY INFORMATION:** On October 31, 1988, the President signed Public Law 100-562, the Imported Vehicle Safety Compliance Act of 1988 ("the 1988 Act"). A notice of proposed rulemaking to establish part 591 was published on April 25, 1989 (54 FR 17772), and a final rule on September 29, 1989 (54 FR 40069). As the notices stated, the 1988 Act amends those provisions of the National Traffic and Motor Vehicle Safety Act of 1966 ("the Vehicle Safety Act") that relate to the importation of motor vehicles subject to the Federal motor vehicle safety standards (section 108(b), 15 U.S.C. 1397(b)). The importation of motor vehicles subject to the Federal motor vehicle bumper standard (15 U.S.C. 1916), and the Federal motor vehicle theft prevention standard (15 U.S.C. 601) was not included in these changes. Importation of passenger motor vehicles subject to the bumper standard is to be governed by joint regulations of both NHTSA and the Secretary of the Treasury (15 U.S.C. 1916(b)(3)), under terms and conditions (including the furnishing of a bond) sufficient to ensure conformance, or exported or abandoned to the United States. Importation of vehicles and equipment subject to the theft prevention standard is flatly prohibited unless vehicles and equipment conform at time of entry. In reviewing agency programs, NHTSA and Customs have agreed that regulatory simplicity requires that all vehicles subject to NHTSA's standards should be imported pursuant to a NHTSA regulation.

## The Federal Bumper Standard

Title I of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 *et seq.*) was enacted in 1972, and required NHTSA to promulgate bumper standards applicable to all passenger motor vehicles imported into the United States. In implementation of this requirement, NHTSA issued 49 CFR Part 581, *Bumper Standard*, effective September 1, 1978. The importation provisions in the Cost Savings Act for vehicles subject to the bumper standards were substantially similar to those for vehicles subject to the safety standards. No standard was to apply to a vehicle intended solely for export and so labeled or tagged. No person was to import a passenger motor vehicle manufactured on or after the effective date of a bumper standard unless it was in conformity with such a standard. However, it could be admitted under the joint regulations of the Secretaries of Treasury and Transportation under such terms and conditions (including the furnishing of a bond) as appeared appropriate to ensure conformity, or exportation or abandonment to the United States. The joint regulations could also provide for the "importation" (as contrasted with the "temporary importation" allowed by the Vehicle Safety Act) of any passenger motor vehicle after its first purchase for purposes other than resale.

However, the joint regulation that applied to the importation of vehicles subject to the Federal safety standards, 19 CFR 12.80, was never amended to incorporate the bumper standard, although NHTSA enforced it as part of its importation compliance procedures. With the advent of NHTSA's own vehicle importation regulation, 49 CFR part 591, this notice proposes to add bumper standard importation requirements to the declarations required for entry, and to amend the bond provisions to include compliance with the bumper standard. To fulfill the statutory requirement for joint issuance, NHTSA has consulted with the Customs Service on this proposed amendment, and the final rule will be jointly issued under the authority of both regulatory agencies.

The bumper declarations and requirements are virtually identical with those required for the safety standards. There is one exception, however, NHTSA has interpreted the 1988 Act as requiring a showing of total compliance with the safety standards, or exportation or abandonment of the motor vehicle to the United States. NHTSA does not read the Cost Savings



Act as imposing the same punishment in the absence of such a showing regarding the bumper standard. Therefore, in the event that a passenger motor vehicle demonstrates compliance with the safety standards, but not the bumper standard, the agency may choose to levy a penalty upon the bond instead of demanding export or abandonment of the vehicle, if the facts appear to justify it.

#### The Theft Prevention Standard

Title VI of the Cost Savings Act (15 U.S.C. *et seq.*) requires NHTSA to issue a vehicle theft prevention standard that applies to "covered major parts which are installed by manufacturers into passenger motor vehicles in lines designated \* \* \* as high theft lines", and the major replacement parts for those major parts. In implementation of this requirement, NHTSA issued 49 CFR Part 541, *Federal Motor Vehicle Theft Prevention Standard*, effective April 24, 1986. Conformance with this standard requires the marking of certain original and replacement parts in the manner specified in the standard. Unlike the statutory importation requirements for safety and bumper standards, title VI contains a flat prohibition against the importation of vehicles and parts which are subject to the theft prevention standard, but are not marked in accordance with it. Therefore, vehicles and parts covered by the theft prevention standard must comply before their importation into the United States, whether the marking is affixed by the importer, or original manufacturer. In terms of part 591, this means that an importer must declare that his vehicle meets the theft prevention standard, even if it is accompanied by a declaration of nonconformance with the safety and bumper standards. If, in the first instance, the vehicle does not meet the theft prevention standard, it will not be allowed entry under bond or otherwise for the eventual production of a conformity statement. Admission under a false declaration may constitute a violation of the regulations of the Customs Service, and result in seizure of the vehicle.

This notice proposes appropriate changes in the language of the declarations, and also proposes a new § 591.5(k) that would apply to replacement parts. It would require a declaration of conformity with the theft prevention standard by the importer of any major part covered by the standard.

#### Bonds for Those Eligible To Import Under Present Regulation

Under certain circumstances, and for

a limited time, section 108(g) of the Vehicle Safety Act permits a nonresident (including any member of the Armed Forces) to continue to import a vehicle under the present regulation, that is, the Administrator need not have made a determination that it is capable of conformance, and conformance work need not be performed by a registered importer. This exception applies to a single vehicle imported, for personal use and not for resale, between January 31, 1990, and October 31, 1992, by an individual whose assigned place of employment was outside the United States for the total period between October 31, 1988, and the date of importation, provided that the vehicle was acquired (or was subject to a binding contract to acquire) before October 31, 1988, and that the individual has not previously imported a nonconforming motor vehicle. Importation under this amendment is reflected in § 591.5(g).

NHTSA had initially assumed that importation of vehicles under this category would continue to be covered by the present Customs bond under 19 CFR 12.80, in that the 1988 Act specifically allows importation under the present requirements from January 31, 1990, to October 31, 1992. However, NHTSA and Customs have agreed that as of January 31, 1990, all bonds given for conformance with the safety standards should be those of NHTSA. Therefore, appropriate inclusory language is proposed in this notice.

#### Conditions of the Conformance Bond

In its response to the proposal of part 591, General Motors commented that part 591 did not state the conditions of the bond. With the determination by Customs and NHTSA that the bond will be that of NHTSA, it is now possible for this agency to propose those conditions. In general, they would include the acts that the statute requires importers or registered importers to perform after entry of a vehicle and before its release. The bond is given to secure compliance with the Federal motor vehicle safety standards, and, if the vehicle has been imported under section 108(c) of the Vehicle Safety Act, no mitigation of the bond is contemplated for vehicles that appear to conform only partially with the safety standards. If full conformance with the safety standards is not achieved, the vehicle must be exported, or abandoned to the United States. If none of these actions occur, the bond is forfeited. If a vehicle has been brought into full conformance with the safety standards, but not the bumper standard, NHTSA may not

demand export or abandonment, but only a partial forfeiture of the bond. This differs from the practice under the present bond (in effect until January 31, 1990), which will continue until October 31, 1992, for vehicles imported pursuant to section 108(g). Under this condition, the principal submits a statement identifying the conforming party, and discussing the nature and extent of the work performed in the conformance process, within 120 days after entry (or longer, if the Administrator allows it). It has been the practice of Customs to release vehicles under a partial forfeiture of the bond when complete compliance has not been documented, and the vehicle has not been returned for export. A further condition of the bond for vehicles imported pursuant to section 108(c) is that the principal would make the vehicle available for inspection upon demand by NHTSA, and would not release it from custody before 30 days had passed after its submission of conformance certification to NHTSA. A further condition of the bond for vehicles imported pursuant to section 108(g) is that the principal would not sell the vehicle, or offer it for sale, until a statement had been issued by NHTSA that it was acceptable to do so.

These conditions are now set forth in proposed § 591.8 (f) and (g). The bond that would apply to importers of vehicles pursuant to section 108(c) of the Act is depicted at Appendix A. The bond that would apply to importers of vehicles pursuant to section 108(g) is depicted at Appendix B.

#### Petitions for Remission or Mitigation

In the event a bond is forfeited, a principal and/or surety may petition the Administrator for remission of the forfeiture. If the Administrator finds that all conditions of the bond have been, in fact, fulfilled, the forfeiture is remitted.

A petition may also be submitted for mitigation of the forfeiture. However, given the intent of the 1988 Act that the Federal motor vehicle safety standards be enforced more strictly than before, the agency has concluded that mitigation of forfeiture is inappropriate if a vehicle has been imported pursuant to new section 108(c) of the Vehicle Safety Act, and is not brought into compliance with all safety standards. Arguably, failure to conform should occur infrequently in the future. This is because a vehicle will not be admitted unless the agency has determined that it is capable of conformance, and the conformance work will be performed by



those who have registered with NHTSA as undertaking to provide certifications that vehicles have been brought into conformity.

This restriction would not apply to importers of vehicles under section 108(g). Vehicles imported pursuant to this provision are exempt from eligibility determinations and need not be conformed by registered importers. If these vehicles fail to comply fully with the standards, and are not exported or abandoned, the bond would be forfeit, but the Administrator would entertain petitions for mitigation, just as the Customs Service does under the existing regulations.

Nor would the restriction apply to either category of importer if the condition of the bond that is not met relates to compliance with part 581, the Federal bumper standard. The primary purpose of this standard is the preservation of property, rather than the prevention of deaths and injuries. The fact that Congress draws a distinction is found in the permissive authority of the two Secretaries that allows importation of used passenger motor vehicles whether or not they comply with the bumper standard (15 U.S.C. 1916(b)(4)), but forbids the importation of vehicles that do not comply with safety standards unless the vehicles are brought into compliance with them.

These provisions are proposed as § 591.9.

#### Impacts

NHTSA has considered the impacts of this proposed rule, and has determined that it is not major within the meaning of Executive Order 12291 "Federal Regulation". It is intended to formalize existing statutory obligations of importers of motor vehicles not originally manufactured to comply with the Federal bumper standard, and to ensure that motor vehicles comply with the Federal theft prevention standard before their entry into the United States. It is not significant under Department of Transportation regulatory policies and procedures. Less than 3,000 motor vehicles a year are currently imported, and it is anticipated that this number will not increase. There is no substantial impact upon a major transportation safety program, and the action does not involve any substantial public interest or controversy. There is no substantial effect on state and local governments. The impact upon the Federal government is that the bonding obligation of the U.S. Customs Service with respect to motor vehicle compliance with Federal standards is transferred to the Department of Transportation.

The agency has also considered the effects of this proposed rule in relation to the Regulatory Flexibility Act. I certify that this proposal would not have a significant economic impact upon a substantial number of small entities. Because importers of vehicles that do not conform to the Federal motor vehicle safety standards currently must post conformance bonds of up to 300% of the entered value of the vehicle, the proposal that they pay a bond of only 150% of such value should result in a lesser economic impact upon vehicle importers. Further, small organizations and governmental jurisdictions would not be significantly affected as they are not generally importers and purchasers of nonconforming motor vehicles.

NHTSA has analyzed this proposal for purposes of the National Environmental Policy Act. The proposal would not have a significant effect upon the environment because it is anticipated that the annual volume of motor vehicles imported under the rule would not vary significantly from that existing before promulgation of the rule.

The declaration and bond requirements in this rule are considered to be information collection requirements, as that term is defined by the Office of Management and Budget (OMB) in 5 CFR part 1320. Although they are modifications of declarations presently existing in agency form HS-7, the declarations have been submitted to OMB for its approval, pursuant to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). They will become effective upon approval by OMB.

The agency has analyzed the proposal in accordance with the principles and criteria contained in Executive Order 12612 "Federalism", and has determined that the proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### List of Subjects in 49 CFR Part 591

Imports, motor vehicle safety, motor vehicles.

In consideration of the foregoing, title 49 Code of Federal Regulations part 591 would be revised as follows:

1. The authority citation would be revised to read:

Authority: Pub. L. 100-562, 15 U.S.C. 1401, 1407, 1912, 1916, 2022, 2027; delegations of authority at 49 CFR 1.50 and 501.8.

2. The title of part 591 would be revised to read:

#### PART 591—IMPORTATION OF VEHICLES AND EQUIPMENT SUBJECT TO FEDERAL SAFETY, BUMPER, AND THEFT PREVENTION STANDARDS

3. In the table of contents, under the section heading "Sec.", new §§ 591.8 and 591.9 would be added to read:

Sec.

591.8 Conformance bond and conditions.

591.9 Petitions for remission or mitigation of forfeiture.

4. Sections 591.1, 591.2, and 591.3 would be revised to read:

##### § 591.1 Scope.

This part establishes procedures governing the importation of motor vehicles and motor vehicle equipment subject to the Federal motor vehicle safety, bumper, and theft prevention standards.

##### § 591.2 Purpose.

The purpose of this part is to ensure that motor vehicles and motor vehicle equipment permanently imported into the United States conform with theft prevention standards issued under part 541 of this chapter and that they conform with, or are brought into conformity with, all applicable Federal motor vehicle safety standards issued under part 571 of this chapter and bumper standards issued under part 581 of this chapter. The purpose of this part is also to ensure that nonconforming vehicles and equipment items imported on a temporary basis are ultimately either exported or abandoned to the United States.

##### § 591.3 Applicability.

This part applies to any person offering a motor vehicle or item of motor vehicle equipment for importation into the United States.

5. The introductory text of § 591.4 would be revised to read:

##### § 591.4 Definitions.

All terms used in this part that are defined in section 102 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1391), and section 2 and section 601 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 and 2021), are used as defined in the Acts, except that the term "model year" is used as defined in part 593 of this chapter.

6. The introductory text of § 591.5 and paragraphs (a), (b), and (c) would be revised to read:



**§ 591.5 Declarations required for importation.**

No person shall import a motor vehicle or item of motor vehicle equipment into the United States unless, at the time it is offered for importation, its importer files a declaration, in duplicate, which declares one of the following:

(a)(1) The vehicle was not manufactured primarily for use on the public roads and thus is not a motor vehicle subject to the Federal motor vehicle safety, bumper, and theft prevention standards; or

(2) The equipment item is not a system, part, or component of a motor vehicle and thus is not an item of motor vehicle equipment subject to the Federal motor vehicle safety, bumper, and theft prevention standards.

(b) The vehicle or equipment item conforms with all applicable safety standards (or the vehicle does not conform solely because readily attachable equipment items which will be attached to it before it is offered for sale to the first purchaser for purposes other than resale are not attached), and bumper and theft prevention standards, and bears a certification label or tag to that effect permanently affixed by the original manufacturer to the vehicle, or to the equipment item or its delivery container, in accordance with, as applicable, parts 541, 555, 567, 568, and 581, or part 571 (for certain equipment items) of this chapter.

(c) The vehicle or equipment item does not comply with all applicable Federal motor vehicle safety, bumper, and theft prevention standards, but is intended solely for export, and the vehicle or equipment item, and the outside of the container of the equipment item, if any, bears a label or tag to that effect.

**§ 591.5 [Amended]**

7. The introductory text of § 591.5(d) would be revised to read:

(d) The vehicle does not conform with all applicable Federal motor vehicle safety, bumper, and theft prevention standards, but the importer is eligible to import it because:

**§ 591.5 [Amended]**

8. Section 591.5(e) would be revised to read:

(e) The vehicle or equipment item requires further manufacturing operations to perform its intended function, other than the addition of readily attachable equipment items such as mirrors, wipers, or tire and rim

assemblies, or minor finishing operations such as painting, and any part of such vehicle that is required to be marked by part 541 of this chapter is marked in accordance with that part, and upon completion of such further manufacturing operations such vehicle or equipment item will comply with all applicable Federal motor vehicle safety, bumper, and theft prevention standards.

**§ 591.5 [Amended]**

9. In § 591.5, the introductory text of paragraph (f) and paragraph (f)(1) would be revised to read:

(f) The vehicle does not conform with all applicable Federal motor vehicle safety and bumper standards (but does conform with all applicable Federal theft prevention standards), but the importer is eligible to import it because:

(1) The importer has furnished a bond, which is attached to the declaration, in an amount equal to 150% of the entered value of the vehicle as determined by the Secretary of the Treasury, containing the terms and conditions specified in § 591.8; and

**§ 591.5 [Amended]**

10. The introductory text of § 591.5(g) would be revised to read:

(g) The vehicle does not conform with all applicable Federal motor vehicle safety and bumper standards (but it does conform with all applicable Federal theft prevention standards), but the importer is eligible to import it because:

**§ 591.5 [Amended]**

11. In § 591.5(g), new paragraphs (g)(5), (g)(6), and (g)(7) would be added to read:

(g) \* \* \*  
(5) The importer has furnished a bond, which is attached to the declaration, in an amount equal to 150% of the entered value of the vehicle as determined by the Secretary of the Treasury, containing the terms and conditions specified in § 591.8;

(6) The vehicle was not manufactured in conformity with all applicable safety and bumper standards, but it has been or will be brought into conformity; furthermore, within 120 days after entry or such additional time not to exceed 180 days after entry as the Administrator may allow, the importer will submit a true and complete statement to the Administrator, identifying the manufacturer, contractor,

or other person who has brought the vehicle into conformity, describing the exact nature and extent of the work performed, and certifying that the vehicle or equipment item has been brought into conformity; and

(7) The importer will not sell the vehicle, or offer it for sale, until the Administrator issues a statement that the conditions of the bond required by § 591.6(c) have been satisfied.

**§ 591.5 [Amended]**

12. The introductory text of § 591.5(h) would be revised to read:

(h) The vehicle does not conform with all applicable Federal motor vehicle safety, bumper, and theft prevention standards, but the importer is eligible to import it because:

**§ 591.5 [Amended]**

13. Section 591.5(i)(2) would be revised to read:

(i)(2) The equipment item was manufactured on a date when no applicable safety or theft prevention standard was in effect.

**§ 591.5 [Amended]**

14. The introductory text of § 591.5(j) would be revised to read:

(j) The vehicle or equipment item does not conform with all applicable Federal motor vehicle safety, bumper, and theft prevention standards, but it being imported solely for the purpose of:

**§ 591.5 [Amended]**

15. A new § 591.5(k) would be added to read:

(k) The equipment item is subject to the theft prevention standard, and is marked in accordance with the requirements of part 541 of this chapter.

**§ 591.6 [Amended]**

16. Section 591.6(c) would be revised to read:

(c) A declaration made pursuant to § 591.5(f) of § 591.5(g) shall be accompanied by a bond in the form shown in Appendix A or Appendix B of this part, respectively, in an amount equal to 150% of the entered value of the vehicle as determined by the Secretary of the Treasury for the conformance of the vehicle with all applicable Federal



motor vehicle safety and bumper standards, or, if conformance with the safety standards is not achieved, for the delivery of such vehicle to the Secretary of the Treasury for export at no cost to the United States, or for its abandonment.

17. New §§ 591.8 and 591.9 would be added to read:

**§ 591.8 Conformance bond and conditions.**

(a) The bond required under § 591.6(c) for importation of a vehicle not originally manufactured to conform with all applicable standards issued under part 571 and part 581 of this chapter shall cover only one motor vehicle, and shall be in an amount equal to 150% of the entered value of the vehicle, as determined by the U.S. Customs Service.

(b) The principal on the bond shall be the importer of the vehicle.

(c) The surety on the bond shall possess a certificate of authority to underwrite Federal bonds. (See list of certificated sureties at 54 FR 27800, June 30, 1989).

(d) In consideration of the release from the custody of the U.S. Customs Service or the withdrawn from a Customs bonded warehouse into the commerce of, or for consumption in, the United States, of a motor vehicle not originally manufactured to conform to all applicable standards issued under part 571 and 581 of this chapter, the obligors (principal and surety) shall agree to the following conditions of the bond:

(1) To have such vehicle brought into conformity with all applicable standards issued under part 571 and part 581 of this chapter within 120 days after the date of entry;

(2)

(i) In the case of a vehicle imported pursuant to § 591.5(f), to file (or if not a Registered Importer, to cause the Registered Importer of the vehicle to file) with the Administrator, a certificate that the vehicle complies with each Federal motor vehicle safety and bumper standard in the year that the vehicle was manufactured and which applies in such year to the vehicle; or

(ii) In the case of a vehicle imported pursuant to § 591.5(g), to submit a true and complete statement to the Administrator, identifying the manufacturer, contractor, or other person who has brought the vehicle into conformity, describing the exact nature and extent of the work performed, and certifying that the vehicle has been brought into conformity with each Federal motor vehicle safety and bumper standard in the year that such

vehicle was manufactured and which applies in such year to the vehicle.

(3) In the case of a Registered Importer, not to release custody of the vehicle to any person for license or registration for use on public roads, streets, or highways, or license or register the vehicle from the date of entry until 30 calendar days after it has certified compliance of the vehicle to the Administrator, unless the Administrator has notified the principal before 30 calendar days that (s)he has accepted such certification, and that the vehicle and bond may be released, except that the vehicle shall not be released if the principal has received written notice from the Administrator that an inspection of the vehicle will be required, or that there is reason to believe that such certification is false or contains a misrepresentation;

(4) In the case of a Registered Importer, to cause the vehicle to be available for inspection, if the principal has received written notice from the Administrator that an inspection is required.

(5) In the case of a Registered Importer, not to release the vehicle until the Administrator is satisfied with the certification and any modification thereof, if the principal has received written notice from the Administrator that there is reason to believe that the certificate is false or contains a misrepresentation.

(6) If the principal has received written notice from the Administrator that the vehicle has been found not to comply with all applicable Federal motor vehicle safety standards, and written demand that the vehicle be abandoned to the United States, or delivered to the Secretary of the Treasury for export (at no cost to the United States), to abandon the vehicle to the United States, or to deliver the vehicle, or cause the vehicle to be delivered to, the custody of the District Director of Customs of the port of entry listed above, or to any other port of entry, and to execute all documents necessary for exportation of the vehicle from the United States, at no cost to the United States; or in default of abandonment or redelivery after proper notice by the Administrator to the principal, to pay the Administrator the amount of the bond.

(e) If the principal defaults on the obligation of paragraph (d)(6) of this section, to abandon the vehicle to the United States or to redeliver the vehicle to the custody of a District Director of Customs and to execute all documents necessary for its exportation, the obligors shall pay to the Administrator

the amount of the bond given under the provisions of this section.

**§ 591.9 Petitions for remission or mitigation of forfeiture.**

(a) After a bond has been forfeited, a principal and/or a surety may petition for remission of forfeiture. A principal and/or a surety may petition for mitigation of forfeiture only if the motor vehicle has been imported pursuant to § 591.5(g), or, if imported pursuant to § 591.5(f), only if the condition not met relates to the compliance of a passenger motor vehicle with part 581 of this chapter.

(b) A petition for remission or mitigation shall:

(1) Be addressed to the Administrator, identified as either a petition for remission or for mitigation, submitted in triplicate, and signed by the principal and/or the surety.

(2) State the make, model, model year, and VIN of the vehicle involved, and contain the Customs Entry number under which the vehicle entered the United States.

(3) State the facts and circumstances relied on by the petitioner to justify remission or mitigation.

(4) Be filed within 30 days from the date of the mailing of the notice of forfeiture incurred.

(c) A false statement contained in a petition may subject the petitioner to prosecution under the provisions of 18 U.S.C. 1001.

(d) If the Administrator finds that all conditions of the bond have, in fact, been fulfilled, the forfeiture is remitted.

(e) A decision to mitigate a forfeiture upon condition that a stated amount is paid shall be effective for not more than 60 days from the date of notice to the petitioner of such decision. If payment of the stated amount is not made, or arrangements made for delayed or installment payment, the full claim of forfeiture shall be deemed applicable. The Administrator shall collect the claim, or, if unable to collect the claim within 120 days, shall refer the matter to the Department of Justice.

18. Appendix A and Appendix B would be added to this part as follows:

**Appendix A—Bond for Importations of Motor Vehicles Under § 591.5(f)**

*Bond to Ensure Conformance With Motor Vehicle Safety and Bumper Standards*

(To redeliver vehicle, to produce documents, to perform conditions of release, such as to bring vehicle into conformance with all applicable Federal motor vehicle safety and bumper standards)

Know All Men by These Presents  
That \_\_\_\_\_



name of principal or surety; if a corporation, the State of incorporation of \_\_\_\_\_

as principal, street address or post office box number; city; state; ZIP code and \_\_\_\_\_

of \_\_\_\_\_, name; State of incorporation, if any address \_\_\_\_\_

and \_\_\_\_\_, name; State of incorporation, if any address \_\_\_\_\_

as sureties, are held and firmly bound unto the UNITED STATES OF AMERICA in the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_).

which represents 150% of the entered value of the following described motor vehicle as determined by the U.S. Customs Service:

model year, make, series, engine and chassis numbers \_\_\_\_\_

for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns (jointly and severally), firmly by these presents

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

Whereas, motor vehicles may be entered under the provisions of section 108 of the National Traffic and Motor Vehicle Safety Act, and section 106 of the Motor Vehicle Information and Cost Savings Act; and

#### DOT Form XXXX

Whereas, pursuant to 49 CFR part 591, a regulation promulgated under the provisions of section 108, National Traffic and Motor Vehicle Safety Act of 1966, the above-bounden principal desires to import permanently the motor vehicle described above, which is a motor vehicle that was not originally manufactured to conform with the Federal motor vehicle safety and bumper standards; and

Whereas, pursuant to 49 CFR part 592, a regulation promulgated under the provisions of section 108, National Traffic and Motor Vehicle Safety Act of 1966, as amended, the above-bounden principal has been granted the status of Registered Importer of motor vehicles not originally manufactured to conform with the Federal motor vehicle safety standards (or, if not a Registered Importer, has a contract with a Registered Importer covering the motor vehicle described above); and

Whereas, pursuant to 49 CFR part 593, a regulation promulgated under the provisions of section 108, National Traffic and Motor Vehicle Safety Act of 1966, as amended, the Administrator of the National Highway Traffic Safety Administration has determined that the motor vehicle described above is eligible for importation into the United States; and

Whereas, the motor vehicle described above has been imported at the port of \_\_\_\_\_ and entered at said port for consumption on entry No. \_\_\_\_\_, dated \_\_\_\_\_, 199\_\_.

Now, Therefore, The Condition of This Obligation is Such that—

(1) The above-bounden principal (the "principal"), in consideration of the permanent admission into the United States of the motor vehicle described above (the "vehicle"), voluntarily undertakes and agrees to have such vehicle brought into conformity with all applicable Federal motor vehicle safety and bumper standards within a reasonable time after such importation, as specified by the Administrator of the National Highway Traffic Safety Administration (the "Administrator");

(2) The principal shall then file, or if not a Registered Importer, shall then cause the Registered Importer of the vehicle to file, with the Administrator, a certificate that the vehicle complies with each Federal motor vehicle safety standard in the year that the vehicle was manufactured and which applies in such year to the vehicle, and that the vehicle complies with the Federal bumper standard (if applicable);

(3) The principal, if a Registered Importer, shall not release custody of the vehicle to any person for license or registration for use on public roads, streets, or highways, or license or register the vehicle from the date of entry until 30 calendar days after it has certified compliance of the vehicle to the Administrator, unless the Administrator notifies the principal before 30 calendar days that (s)he has accepted such certification and the vehicle and bond may be released, except that no such release shall be permitted, before or after the 30th calendar day, if the principal has received written notice from the Administrator that an inspection of such vehicle will be required, or that there is reason to believe that such certification is false or contains a misrepresentation;

(4) And if the principal has received written notice from the Administrator that an inspection is required, the principal shall cause the vehicle to be available for inspection, and the vehicle and bond shall be promptly released after completion of an inspection showing no failure to comply. However, if the inspection shows a failure to comply, the vehicle and bond shall not be released until such time as the failure to comply ceases to exist;

(5) And if the principal has received written notice from the Administrator that there is reason to believe that the certificate is false or contains a misrepresentation, the vehicle or bond shall not be released until the Administrator is satisfied with the certification and any modification thereof;

(6) And if the principal has received written notice from the Administrator that the vehicle has been found not to comply with all applicable Federal motor vehicle safety and bumper standards, and written demand that the vehicle be abandoned to the United States, or delivered to the Secretary of the Treasury for export (at no cost to the United States), the principal shall abandon the vehicle to the United States, or shall deliver the vehicle, or cause the vehicle to be delivered to, the custody of the District Director of Customs of the port of entry listed above, or any other port of entry, and shall execute all documents necessary for exportation of the vehicle from the United States, at no cost to the United States; or in default of abandonment or redelivery after

proper notice by the Administrator to the principal, the principal shall pay to the Administrator the amount of this obligation:

Then this obligation shall be void; otherwise it shall remain in full force and effect.

Signed, sealed, and delivered in the presence of—

Name	Address
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Name	Address
------	---------

(Principal)

Name	Address
------	---------

Name	Address
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(Surety)

#### Certificate As To Corporate Principal

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_ of the corporation named as principal in the within bond; that \_\_\_\_\_, who signed the bond on behalf of the principal, was then \_\_\_\_\_ of said corporation; that I know his/her signature, and his/her signature thereto is genuine; and that said bond was duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body.

[Corporate Seal]

To be used when a power of attorney has been filed with NHTSA May be executed by secretary, assistant secretary, or other officer

#### Appendix B—Bond for Importation of Motor Vehicles Under § 591.5(g)

Bond to Ensure Conformance with Motor Vehicle Safety and Bumper Standards

(To redeliver vehicle, to produce documents, to perform conditions of release, such as to bring vehicle into conformance with all applicable Federal motor vehicle safety and bumper standards)

Know All Men by These Presents

That \_\_\_\_\_

name of principal or surety; if a corporation, the State of incorporation of \_\_\_\_\_

as principal, street address or post office box number; city; state; ZIP code and \_\_\_\_\_

name; State of incorporation, if any of \_\_\_\_\_, address \_\_\_\_\_

and \_\_\_\_\_, name; State of incorporation, if any of \_\_\_\_\_, address \_\_\_\_\_

as sureties, are held and firmly bound unto the UNITED STATES OF AMERICA in the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_).

which represents 150% of the entered value of the following described motor vehicle as determined by the U.S. Customs Service:

model year, make, series, engine and chassis numbers \_\_\_\_\_



for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns (jointly and severally), firmly by these presents

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

Whereas, motor vehicles may be entered under the provisions of section 108 of the National Traffic and Motor Vehicle Safety Act, and section 106 of the Motor Vehicle Information and Cost Savings Act; and

#### DOT Form XXXX

Whereas, pursuant to 49 CFR part 591, a regulation promulgated under the provisions of section 108, National Traffic and Motor Vehicle Safety Act of 1966, the above-bounden principal desires to import permanently the motor vehicle described above, which is a motor vehicle that was not originally manufactured to conform with the Federal motor vehicle safety and bumper standards; and

Whereas, pursuant to paragraph 591.5(g) of 49 CFR part 591, a regulation promulgated under the provisions of section 108, the above-bounden principal is eligible to import a motor vehicle under the provisions thereof: to wit, the above bounden principal's assigned place of employment was outside the United States as of October 31, 1988 and (s)he has not had an assigned place of employment in the United States between that date and the date of entry of the motor vehicle described above, and (s)he has not previously imported a motor vehicle into the United States manufactured on or after January 1, 1968, and (s)he had acquired (or had entered into a binding contract to acquire) the motor vehicle described above not later than October 31, 1988, and (s)he will enter the motor vehicle described above not later than October 31, 1992; and

Whereas, the motor vehicle described above has been imported at the port of \_\_\_\_\_, and entered at said port for consumption on entry

No. \_\_\_\_\_, dated \_\_\_\_\_, 199\_\_.

Now, Therefore, the Condition of This Obligation is Such That—

(1) The above-bounden principal (the "principal"), in consideration of the permanent admission into the United States of the motor vehicle described above (the "vehicle"), voluntarily undertakes and agrees to have such vehicle brought into conformity with all applicable Federal motor vehicle safety and bumper standards within 120 days after such importation, or such longer time not to exceed 180 days after such importation, as specified by the Administrator of the National Highway Traffic Safety Administration (the "Administrator");

(2) When the vehicle has been brought into conformity, the principal shall then file with the Administrator, a true and complete statement that the vehicle complies with each

Federal motor vehicle safety standard in the year that the vehicle was manufactured and which applies in such year to the vehicle, and that the vehicle also complies with the Federal bumper standard;

(3) The principal shall not offer the vehicle for sale, or sell the vehicle, until the principal has received written notice from the Administrator that the principal has fulfilled all the conditions of the bond.

(4) And if the principal has received written notice from the Administrator that an inspection is required, the principal shall cause the vehicle to be available for inspection, and the vehicle and bond shall be promptly released after completion of an inspection showing no failure to comply. However, if the inspection shows a failure to comply, the vehicle and bond shall not be released until such time as the failure to comply ceases to exist.

(5) And if the principal has received written notice from the Administrator that there is reason to believe that the statement is false or contains a misrepresentation, the vehicle or bond shall not be released until the Administrator is satisfied with the statement and any modification thereof;

(6) And if the principal has received written notice from the Administrator that the vehicle has been found not to comply with all applicable Federal motor vehicle safety and bumper standards, and written demands that the vehicle be abandoned to the United States, or delivered to the Secretary of the Treasury for export (at no cost to the United States), the principal shall abandon the vehicle to the United States, or shall deliver the vehicle, or cause the vehicle to be delivered to, the custody of the District Director of Customs of the port of entry listed above, or any other port of entry, and shall execute all documents necessary for exportation of the vehicle from the United States, at no cost to the United States; or in default of abandonment or redelivery after proper notice by the Administrator to the principal, the principal shall pay to the Administrator the amount of this obligation:

Then this obligation shall be void; otherwise it shall remain in full force and effect.

Signed, sealed, and delivered in the presence of—

Name _____	Address _____
Name _____	Address _____
(Principal)	(SEAL)
Name _____	Address _____
Name _____	Address _____
(Surety)	(SEAL)

Certificate as to Corporate Principal

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_

of the corporation named as principal in the within bond;

that \_\_\_\_\_, who signed the bond on behalf of the principal, was then \_\_\_\_\_ of said corporation; that I know his/her signature, and his/her signature thereto is genuine; and that said bond was duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body.

[Corporate Seal]

To be used when a power of attorney has been filed with NHTSA May be executed by secretary, assistant secretary, or other officer.

Issued on: November 22, 1989.

George L. Parker,  
Associate Administrator for Enforcement.

[FR Doc. 89-27902 Filed 11-24-89; 11:18 am]

BILLING CODE 4910-59-M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Parts 1057 and 1058

[Ex Parte No. MC-41 (Sub-No. 1)]

RIN 3120-AB 59

### Identification of Motor Vehicles

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission proposes to eliminate its vehicle identification regulations at 49 CFR part 1058. Vehicle identifications of varying types are currently used by carriers, other regulatory agencies, and shippers. The existence and use of reasonable alternative manifestations of identity displayed on or carried in the vehicle appear to make the regulations at 49 CFR part 1058 duplicative, unnecessary and costly.

**DATES:** Comments are due on December 29, 1989.

**ADDRESSES:** Send comments (an original and 10 copies) referring to Ex Parte No. MC-41 (Sub-No. 1) to: Interstate Commerce Commission, Office of the Secretary, Case Control Branch, Washington, DC 20423.

### FOR FURTHER INFORMATION CONTACT:

John W. Fristoe (202) 275-7844  
or

Roy M. Wilkins (202) 275-7452  
(TDD for hearing impaired (202) 275-1721).



**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision. To obtain a copy of the decision, write to, call, or pickup in person from: Office of the Secretary, room 2215, Interstate Commerce Commission, Washington, DC 20423. Telephone: (202) 275-7428. (Assistance for the hearing impaired is available through TDD services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

**Energy and Environmental Considerations**

We preliminarily conclude that the proposed rule revision will not affect significantly either the quality of the human environment or the conservation of energy resources.

**Regulatory Flexibility Analysis**

We preliminarily conclude that this action will not have a significant impact on a substantial number of small entities. Indeed, the proposed changes are likely to have a positive impact on the many small motor carriers for whom the current requirements impose expenses that may be unnecessary. The proposed rule revisions will not require the filing of reports or record keeping by small entities. The proposal will not duplicate, overlap, or conflict with any existing Federal rules. Comments are invited on these points.

**List of Subjects****40 CFR 1057**

Motor carriers, Reporting and record keeping requirements.

**49 CFR Part 1058**

Motor carriers.

Decided: November 13, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners André, Lamboley, and Phillips. Commissioner Lamboley concurred with a separate expression. Vice Chairman Simmons dissented with a separate expression.

Noreta R. McGee,  
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, parts 1057 and 1058 of the Code of Federal Regulations are proposed to be amended as follows:

**PART 1057—LEASE AND INTERCHANGE OF VEHICLES**

1. The authority citations for part 1057 would continue to read as follows:

Authority: 49 U.S.C. 11107 and 10321; and 5 U.S.C. 553.

2. Section 1057.11(c) is proposed to be revised to read as follows:

**§ 1057.11 General leasing requirements.**

(c) *Authority to operate vehicle.* Unless a copy of the lease is carried on the equipment, the authorized carrier shall keep a statement with the equipment during the period of the lease certifying that the equipment is being operated by it. The statement shall also specify the name of the owner, the date and length of the lease, any restrictions in the lease relative to the commodities to be transported, and the address at which the original lease is kept by the authorized carrier. This statement shall be prepared by the authorized carrier or its authorized representative

3. Section 1057.21, introductory paragraph, is proposed to be revised to read as follows:

**§ 1057.21 General exemptions.**

The regulations in this part shall not apply to:

\* \* \* \* \*

**§ 1057.22 [Amended]**

4. Section 1057.22 is proposed to be amended by removing paragraph (a) and redesignating paragraphs (b) and (c) as paragraphs (a) and (b) respectively.

5. Section 1057.31(d) is proposed to be revised to read as follows:

**§ 1057.31 Interchange of equipment.**

\* \* \* \* \*

(d) *Authority to operate vehicle.* Unless a copy of the interchange agreement is carried on the equipment, the authorized common carrier shall carry a statement with each vehicle during interchange service certifying that it is operating the equipment. The statement shall also identify the equipment by company or State registration number and shall show the specific point of interchange, the date and time it assumes responsibility for the equipment, and the use to be made of the equipment. This statement shall be signed by the parties to the interchange agreement or their authorized representatives. The requirements of this paragraph shall not apply where the equipment to be operated in interchange service consists only of trailers or semitrailers.

\* \* \* \* \*

**PART 1058—IDENTIFICATION OF VEHICLES**

6. Part 1058 is proposed to be removed.

[FR Doc. 89-27944 Filed 11-28-89; 8:45 am]

BILLING CODE 7035-01-M



# Notices

Federal Register

Vol. 54, No. 228

Wednesday, November 29, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forms Under Review by Office of Management and Budget

November 24, 1989.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Public Law 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, DC 20250, (202) 447-2118.

#### Extension

- Office of Transportation
- International Carriage of Perishable Foodstuffs
- None
- Recordkeeping: On occasion
- Businesses or other for-profit; Small businesses or organizations; 8 responses; 476 hours; not applicable under 3504(h)

- Dieter Fischer (202) 653-6246

#### Reinstatement

- Soil Conservation Service
- Application for Payment
- SCS-FNM-141
- On occasion
- Individuals or households; Farms; 18,600 responses; 4,650 hours; not applicable under 3504(h)
- Roy R. Twidt (202) 447-4251

Larry K. Roberson,

Acting Departmental Clearance Officer.

[FR Doc. 89-27945 Filed 11-28-89; 8:45 am]

BILLING CODE 3410-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### North Pacific Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council, its Scientific and Statistical Committee (SSC), Advisory Panel (AP), and other Council advisory groups will meet on December 5-8, 1989, as the Sheraton Hotel in Anchorage, AK. Except as noted below, the meetings are open to the public.

The Council will begin meeting on December 5 at 9 a.m. It will consider final approval of a measure to extend the International Pacific Halibut Commission Area 4C 10,000 pound trip limit to the area's entire halibut quota.

The Council will review public comments on the draft inshore/offshore problem statement and proposed alternatives. It also will receive recommendations from its Fishers Management Committee on further action. The Council will review a revised Environmental Assessment/Regulatory Impact Review document analyzing options to prohibit or to curtail roe-stripping of pollock in the Gulf of Alaska and Bering Sea/Aleutian Islands (GOA and BSA), and consider emergency action for the 1990 winer fishery.

The Council will receive updated reports on the status of groundfish stocks in the GOA and BSA, and determine the acceptable biological

catches for 1990 for each of the groundfish species groups in those areas.

It will also set total allowable catches based on biological and socioeconomic considerations. The Council will hear public testimony on domestic processors' and joint venture needs for 1990 and set initial apportionments to start the new fishing year. The Council also will review bycatch management in the GOA and BSA. The Council may discuss the current analysis for sablefish management in the GOA and BSA, and give additional guidance to staff regarding technical analysis. It may also discuss scheduling for further analysis of limited access measures for the halibut fishery.

The Council will receive status reports on the development of a domestic observer program, on current domestic fisheries activities from the National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS) and the Alaska Department of Fish and Game, on high-seas fisheries negotiations, as well as on NOAA and U.S. Coast Guard enforcement activities.

The Council also will announce 1990 appointments to its SSC and AP, and appoint members to its Pacific Northwest Crab Industry Advisory Committee.

The Council's SSC and AP will begin meeting on Sunday, December 3 at the Sheraton Hotel to review the above-mentioned agenda items, and to prepare recommendations for the Council. Other meetings to also be held during the week include a NOAA/NMFS presentation of the 1990 logbook, observer, and reporting requirements, as well as meetings of the Council's Permit Review, AP Nominating, and Finance Committees.

Other workgroup and committee meetings may also be held on short notice throughout the week. The Council will meet in executive session (not open to the public) at least once during the week to consider employment matters and to receive briefings on international affairs and ongoing litigation.

For more information contact Steve Davis, Deputy Director, North Pacific Fishery Management Council, P.O. Box



103136, Anchorage, AK 99510; telephone: (907) 271-2809.

Alan D. Parsons,

Chief, Recreational and Interjurisdictional Division, Office of Fisheries Conservation and Management.

[FR Doc. 89-27940 Filed 11-28-89; 8:45 am]

BILLING CODE 3510-22-M

## COMMODITY FUTURES TRADING COMMISSION

### Chicago Mercantile Exchange's Proposed New Rules 577 and 578—Globex Limitation of Liability

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of proposed contract market rules and request for comment.

**SUMMARY:** The Chicago Mercantile Exchange ("CME" or "Exchange") has submitted to the Commodity Futures Trading Commission ("Commission") proposed new Rules 577 and 578. The proposed rules generally pertain to limitations of liability for the CME, its clearing members, the P-M-T Limited Partnership ("PMT"), the Globex Corporation, Reuters, and their respective directors, officers and employees for any loss, damage, cost or expense incurred by a customer as a result of the customer's use of the CME's automated trading system, Globex, or use of Exchange services or facilities in connection with Globex. The Commission has determined that publication is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act ("Act").

**DATES:** Comments must be submitted by December 29, 1989.

**ADDRESSES:** Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Telephone: (202) 254-6314.

**FOR FURTHER INFORMATION CONTACT:** Lystra G. Blake, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Telephone: (202) 254-8955.

**SUPPLEMENTARY INFORMATION:** By letter dated September 12, 1989, the CME submitted proposed Rules 577 and 578 pursuant to section 5a(12) of the Act and Commission Regulation 1.41(c). The proposed rules generally pertain to limitations of liability for the CME, its clearing members, PMT, the Globex Corporation, Reuters, and their

respective directors, officers and employees for any loss, damage, cost or expense incurred by a customer as a result of the customer's use of the CME's automated trading system, Globex, or use of Exchange services or facilities in connection with Globex.<sup>1</sup> On October 10, 1989, the Commission determined to review the rules for approval pursuant to Section 5a(12). On October 13, 1989, the CME submitted an amended version of Rule 578.

Proposed Rule 577 prohibits members, clearing members and Rule 106.L member firms from accepting an order from, or on behalf of, a customer for entry into Globex, the CME's automated trading system, unless the customer is first provided with a Globex Customer Information Statement ("Statement") in a form approved by the Exchange. The Statement briefly explains how Globex works and identifies certain features of Globex which differ from pit trading. The Statement also informs customers that neither the Exchange, its clearing members, other futures commission merchants, PMT,<sup>2</sup> the Globex Corporation,<sup>3</sup> Reuters (with respect to Globex), nor any of their respective directors, officers or employees would be liable for any loss, damage, cost or expense suffered by a customer as a result of the customer's use of Globex.

Proposed Rule 578 provides that neither the Exchange, PMT, the Globex Corporation, Reuters (with respect to Globex), nor any of their respective directors, officers or employees shall be liable to any Exchange member, clearing member or customer for any loss, damage, cost or expense (including, but not limited to loss of profits and loss of use) incurred by members or customers arising from: (i) Any faults in the delivery or operation of Globex, or Exchange services or facilities in connection with Globex, regardless of the cause of such faults; (ii) the

suspension, termination, or inability to use all or part of Globex or Exchange services or facilities in connection with Globex, or any inaccuracies or omissions in any information provided; (iii) any failure or delay suffered or allegedly suffered by members or customers in concluding trades in Exchange contracts through Globex, however caused; or (iv) any other cause in connection with the furnishing, performance, maintenance or use of or inability to use all or any part of Globex, or Exchange services or facilities in connection with Globex.<sup>4</sup>

The rule also provides that neither the CME's clearing members, their officers, directors or employees would be liable to any customer for any loss, damage, cost or expense incurred by such customer from any failure of Globex, or from the failure of Exchange services or facilities in connection with Globex. In addition, under this rule neither the Exchange, its clearing members, PMT, the Globex Corporation, nor Reuters (with respect to Globex) would be liable to members or customers for any direct, indirect, incidental or consequential damages, including lost profits, resulting from the use of Globex, or the use of Exchange services or facilities in connection with Globex, even if the Exchange, its clearing members, PMT, the Globex Corporation, and Reuters had been advised of the possibility of such damage and even if the damage was due to the error, omission or negligence of these entities.

The proposed rule further provides that neither the Exchange, PMT, the Globex Corporation or Reuters makes any express or implied warranties or representations relating to Globex, or Exchange services or facilities in connection with Globex including, but not limited to, warranties of merchantability and fitness for a particular purpose or use, except those expressly set forth within this rule.

Proposed Rule 578 further provides that Illinois law would apply to all claims arising out of the use of Globex, or exchange services or facilities in connection with Globex, in which PMT, the CME or the Globex Corporation is a party. The rule also specifies the time within which claims must be brought and the court which would have jurisdiction to hear such claims.

The Commission requests comments on any aspect of the proposal that members of the public believe may raise issues under the Act or the

<sup>1</sup> Other futures exchanges currently have limitation of liability rules. See, e.g., Rule 313(b) of the Coffee, Sugar and Cocoa Exchange, Inc. and Rule 103(a) of the New York Futures Exchange.

<sup>2</sup> PMT is a limited partnership organized under the laws of the state of Illinois with a wholly-owned subsidiary of the CME as its general partner and certain members and clearing members of the Exchange as limited partners. Each of the CME's members and clearing members was invited, but was under no obligation, to join PMT as a limited partner. Under the PMT partnership agreement, the CME would retain any partnership interest which an Exchange member or clearing member declined to purchase and would offer to sell it to any subsequent purchaser of that Exchange seat.

<sup>3</sup> The Globex Corporation is an Illinois corporation that will be the administrative arm for the Globex system. The directors for the Globex Corporation will be comprised of individual representatives from participating exchanges and the futures commission merchant community.

<sup>4</sup> The proposed rules are similar to the limitation of liability provisions in the CME-Reuters Agreement.



Commission's regulations. The Commission requests comment generally on whether a limitation of liability rule is necessary or proper. In particular, the Commission requests comment on whether the scope of the limitations of liability would preclude Globex customers from asserting any rights, or receiving any protections, provided for under the Commodity Exchange Act, as amended, and Commission regulations, and whether the breadth of the limitations of liability contravenes specific provisions of the Act, Commission regulations, or public policy. While the Commission understands the rationale behind the proposed *force majeure* provisions, the Commission has reservations with respect to the scope of those provisions.

Copies of the proposed rules will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Copies also may be obtained through the Office of the Secretariat at the above address or by telephoning (202) 254-6314.

Any person interested in submitting written data, views or arguments on the proposed rules, or with respect to other materials submitted by the CME in support of its submission, should send comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, by the specified date.

Issued in Washington, DC, on November 22, 1989.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 89-27877 Filed 11-28-89; 8:45 am]

BILLING CODE 6351-01-M

### New York Mercantile Exchange: Proposed Amendments Relating to Quality Specifications for the Crude Oil Futures Contract

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of proposed contract market rule change.

**SUMMARY:** The New York Mercantile Exchange ("NYMEX") has submitted proposed amendments to its crude oil futures contract. The amendments would change the types of foreign crude oil deliverable on the contract, eliminate the futures price adjustments for sulfur and gravity, and modify the matching procedures for foreign crude oil deliveries. The amendments would apply to newly listed contract months and to existing contracts effective with deliveries two months after the spot

month being traded when the Exchange receives notification of Commission approval. In accordance with section 5a(12) of the Commodity Exchange Act and acting pursuant to the authority delegated by Commission Regulation § 140.96, the Director of the Division of Economic Analysis ("Division") of the Commodity Futures Trading Commission ("Commission") has determined, on behalf of the Commission, that the proposed amendments are of major economic significance. On behalf of the Commission, the Division is requesting comment on the proposal.

**DATE:** Comments must be received on or before December 29, 1989.

**ADDRESS:** Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the proposed changes to the NYMEX crude oil futures contract.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Shilts, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, telephone (202) 254-7303.

**SUPPLEMENTARY INFORMATION:** The NYMEX crude oil futures contract currently provides for delivery of seven enumerated domestic crude oil streams and six enumerated foreign crude oils. The rules specify the par crude as West Texas Intermediate (WTI) with a 40° gravity (API) and 0.4 percent sulfur. There is a 2-cent per barrel discount for each full degree of gravity (API) below 40° and a 5-cent per barrel premium (discount) for each full 0.1 percent sulfur content less (more) than 0.4 percent. To be eligible for delivery, crude oil must have a gravity of 34° to 45° (A.P.I.) and a sulphur content that does not exceed 0.5 percent by weight.

Delivery on the crude oil futures contract takes place "no earlier than the first calendar day of the delivery month and no later than the last calendar day of the delivery month," based on pipeline scheduling. Longs accepting delivery fill out a "Notice of Intention to Accept Delivery" specifying their intentions and requests.

The proposed amendments would eliminate four currently deliverable foreign crudes (Nigerian Brass Blend, Norwegian Ekofisk, Tunisian Zarzaitine/El Borma and Algerian Saharan Blend) and add one new foreign crude (Norwegian Oseberg Blend). With these amendments, only three foreign crudes would be deliverable—U.K. Brent Blend, Nigerian

Bonny Light and Norwegian Oseberg Blend.

The proposed amendments also would eliminate the existing price adjustments for sulfur and gravity noted above, so that all eligible domestic and foreign crudes meeting the NYMEX's gravity and sulfur standards would be deliverable at par. In addition, the proposal would make explicit the seller's obligation to ensure that crude oil is available to begin flowing in Cushing, Oklahoma (the delivery point) by the first day of the delivery month.

The Exchange also has proposed a resolution on matching whereby the Exchange will provide long participants with the option of requesting delivery of foreign crude oil, which will be allocated to such longs if it is delivered against crude oil futures by short participants. The resolution also specifies procedures for distributing any foreign crude oil to long participants if the total requests for foreign crudes do not equal the amount to be delivered by the shorts.

In support of the proposed changes regarding the deliverable foreign crudes, the NYMEX stated that "the key issue is one of product fungibility." The Exchange noted that, in the 1980's:

... Saharan Blend and Brass River foreign crudes have tended to trade at a discount to WTI. They have tended to trade at a discount, not only because they are not more available, but also because they produce significantly less gasoline than that of WTI (and the demand for gasoline has risen). Moreover, even though Zarzaitine is technically not an OPEC crude oil . . . the same problem of increased supply and lower yield patterns affect its pricing relative to WTI.

... The second factor altering product fungibility concerns changes for gasoline's Reid Vapor Pressure (RVP). RVP is a measure of gasoline's volatility.

In early 1989 both the federal and a number of state governments began mandating lower gasoline volatility during summer months as a way of reducing air pollution. When the governments mandated lower RVP standards, it changed relative crude oil values because crude oils have different proportions of "light ends".

Those crude oils with larger amounts of condensate or butane, for example, will yield less environmentally acceptable gasoline than crude oils with less light ends. . . . Ekofisk, Saharan Blend, and Zarzaitine have significantly higher light end components than WTI. As a result, these crude oils have become much less valuable relative to WTI.



After considering both the trading relationship of the above crude oils (i.e., the supply and demand for these crude oils relative to WTI), and the effect of the RVP changes, the Exchange's Crude Oil Advisory Committee voted to remove Saharan Blend, Zarzaitine, Brass River, and Ekofisk crude oils from the list of deliverable crude oils. None of these crude oils were considered close enough to WTI to allow them to be delivered as a substitute. Brent Blend and Bonny Light were, however, considered close enough to remain deliverable.

Regarding the addition of Oseberg Blend, the Exchange stated that "this decision represents a compromise between the various market participants. It also represents a decision accepted by the majority or refiners in Oklahoma and Kansas." The Exchange further noted that an additional reason for adding Oseberg Blend was that its production is expected to increase to 340,000 barrels per day (bd) by 1992. NYMEX stated that "total production should increase to approximately 600,000 bd by the mid 1990s."

With respect to the proposed elimination of the gravity and sulfur adjustment, the NYMEX justified this proposal in two ways, as noted below.

First, the industry has gradually phased out gravity and sulfur banks. Most all crude oil pipeline common streams are now operated without such adjustments. The best example of this probably is the Capline. \* \* \* Second, the Cushing market, and the market the New York Mercantile Exchange has come to serve and reflect, is primarily a spot market. And the cash WTI market trades "flat and gravity." All purchases and sales are assumed to be at par and there are no gravity or sulfur adjustments. While the lease, or posted market, still uses such adjustments, they are definitely not part of the spot market.

As a consequence of these changes in the cash market, the provisions for sulfur and gravity adjustment in the crude oil contract are no longer relevant.

The Exchange indicated that the intent of the proposed rule change regarding the seller's obligation to ensure that crude oil is available by the first of the delivery month is "to provide the delivery recipient with the same ability to schedule the receipt of foreign barrels as is now available when scheduling [shipment of] domestic barrels." The Exchange stated that the language of this rule currently focuses on the timing of receipt of oil into Cushing rather than delivery out. Thus, the Exchange states that the revised

language meets the needs of longs, while at the same time ensuring that shorts delivery foreign crude oil in a equivalent manner to that now occurring in the domestic cash market.

Regarding the proposed revised matching procedures, the NYMEX noted that the modification would provide buyers with the option of requesting foreign crude oil. The NYMEX noted that:

A box for indicating this preference will be placed on the "Intention to Accept Delivery" form. (Clearing procedures for such a request will be handled in a similar manner to that occurring in the New York Harbor gasoline or heating oil contracts when a party requests truck delivery. Truck delivery requests are removed from the computer run before they are matched by size, and they are assigned appropriate partners based on their mutual desire to make or take such a delivery.) There is no guarantee that such requests can or will be fulfilled.

It should be noted that the Exchange has been told by a number of traditional longs that they would avail themselves of this foreign crude oil request option. Consequently, such a procedure would greatly aid in the adjustment of the contract to the evolving cash market practices.

The Commission is requesting comment on the merits of NYMEX's proposed changes to its crude oil futures contract. Also, the Commission is requesting comment on the proposal to apply the changes to certain existing contracts as explained above.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies of the amended terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by telephone at (202) 254-6314.

The materials submitted by the NYMEX in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading

Commission, 2033 K Street, NW., Washington, DC 20581 by the specified date.

Issued in Washington, DC on November 24, 1989.

Steven Manaster,  
Director.

[FR Doc. 89-27954 Filed 11-28-89; 8:45 am]

BILLING CODE 6351-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Hydroelectric Application Filed With Commission

November 22, 1989.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

- a. *Type of filing:* Amendment of License—New Capacity.
- b. *Project No.:* 8436-050.
- c. *Date filed:* September 6, 1989.
- d. *Applicant:* Smith Falls Hydropower.
- e. *Name of project:* Smith Creek.
- f. *Location:* On Smith Creek in Boundary County, Idaho near the town of Porthill occupying lands of the United States within the Panhandle National Forest.
- g. *Filed pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).
- h. *Applicant contact:* Mr. David B. Van Otten, President, American Pacific Power Corp., 699 E. South Temple, Salt Lake City, Utah 84102, (801) 363-6111.
- i. *Commission contact:* Deborah Frazier-Stutely, (202) 357-0842.
- j. *Comment date:* December 22, 1989.
- k. *Description of the proposed action:*

The license for this project was issued on April 10, 1987. The licensee proposes to make the following changes to his licensed project: (1) Install two generating units with an installed capacity of 1,800 kW instead of two 1,500 kW generating units as authorized in the original license. (2) Install a third unit with an installed capacity of 2,150 kW at the minimum flow release outlet of the dam. The total installed capacity of the project will increase from 30,000 kW to 38,150 kW, increasing the estimated average annual energy generation from 81.8 million kWh to 85.5 million kWh.

1. *This notice also consists of the following standard paragraph:* B

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the



requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Lois D. Cashell,  
Secretary.

[FR Doc. 89-27887 Filed 11-28-89; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. RP90-42-000]

**Northwest Alaskan Pipeline Co.; Tariff Changes**

November 21 1989.

Take notice that on November 16, 1989, Northwest Alaskan Pipeline Company ("Northwest Alaskan"), 295 Chipeta Way, Salt Lake City, Utah 84158-0900, tendered for filing in Docket No. RP90-42-000 Twenty-Fifth Revised Sheet No. 5 to its FERC Gas Tariff Original Volume No. 2 (Primary Case).

Northwest Alaskan states that Twenty-Fifth Revised Sheet No. 5 is proposed to be effective January 1, 1990 and is based on the assumption that Natgas U.S. Inc. ("Natgas") will have replaced United Gas Pipe Line Company ("United") as a customer of Northwest Alaskan under Rate Schedule X-3 effective January 1, 1990, pursuant to Northwest Alaskan's certificate filing in Docket No. CP78-123-028 and tariff filing in Docket No. RP90-16-000, which are currently pending before the Commission. The replacement of United by Natgas is subject to the closing of an overall transaction among a number of parties as well as obtaining governmental approvals of all aspects of the transaction. Natgas will not be subject to paying a demand charge adjustment during the period January-June 1990 since Natgas was not a customer of Northwest Alaskan during the period March-August 1989. Hence, Natgas will pay only its share of the estimated demand charges. United's Demand Charge Adjustment will be billed to United as set forth in RP90-16-000.

Northwest Alaskan that Twenty-Fifth Revised Sheet No. 5 reflects a decrease in total demand charges for Canadian gas purchased by Northwest Alaskan from Pan-Alberta Gas Ltd. (Pan-Alberta) and resold to three of Northwest Alaskan's four U.S. purchasers,

Northern Natural Gas Company ("Northern"), Panhandle Eastern Pipe Line Company ("Panhandle") and Natgas under Rate Schedules X-1, X-2 and X-3, respectively. Demand charges to Northwest Alaskan's fourth customer, Pacific Interstate Transmission Company ("PIT"), under Rate Schedule X-4, have increased as a result of increased demand charges from Pan-Alberta.

Northwest Alaskan states that Alternate Twenty-Fifth Revised Sheet No. 5 is based on the assumption that United will still be Northwest Alaskan's customer under Rate Schedule X-3 as of January 1, 1990 (Alternate Case). This would occur only if the conditions precedent to the replacement of United by Natgas are not satisfied and the transaction referred to above does not close. In that event, this alternative sheet is proposed to be effective January 1, 1990. At such time as Natgas replaces United, a new demand charge filing will be made.

Northwest Alaskan requests that Twenty-Fifth Revised Sheet No. 5 become effective January 1, 1990.

Northwest Alaskan states that a copy of this filing has been served on Northwest Alaskan's customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before November 29, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Secretary.

[FR Doc. 89-27888 Filed 11-28-89; 8:45 am]  
BILLING CODE 6717-01-M

[Docket Nos. TA88-4-37-011; RP89-1-014]

**Northwest Pipeline Corp.; Notice of Filing**

November 21, 1989.

Take notice that on November 15, 1989, Northwest Pipeline Corporation (Northwest) filed second Substitute Third Amended Thirty-Ninth Revised Sheet No. 10 and Second Amended Forty-First Revised Sheet No. 10 to its

FERC Gas Tariff, First Revised Volume No. 1 to supplement its filing of July 26, 1989, in Docket Nos. TA-88-4-37-009 and RP89-1-012.

Northwest states that Second Substitute Third Amended Thirty-Ninth Revised Sheet No. 10 reflects the inclusion of the revised PGA surcharge (9.59 cents per MMBtu) in its Base Tariff Restatement rates. Northwest states that Second Amended Forty-First Revised Sheet No. 10 implements that revised PGA surcharge effective July 3, 1988 and reflects the non-gas cost component of its gas sales rates that were set forth in its June 6, 1988 filing.

Northwest states that copies of this filing is being served on all jurisdictional sales customers and affected state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211(1989)). All such protests should be filed on or before November 29, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Secretary.

[FR Doc. 89-27889 Filed 11-28-89; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. TM90-7-28-001]

**Panhandle Eastern Pipe Line Co.; Notice of Filing**

November 21, 1989.

Take notice that on November 15, 1989, Panhandle Eastern Pipe Line Company (Panhandle) filed revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to be effective December 1, 1989.

Panhandle requests that the Commission substitute these tariff sheets, which reflect the correct interest rate for the fourth quarter of 1989, in lieu of the three tariff sheets filed on October 31, 1989.

Panhandle states that copies of this filing have been mailed to its jurisdictional customers, interested state



regulatory agencies and all parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1989)). All such protests should be filed on or before November 29, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-27890 Filed 11-28-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-8-28-001]

**Panhandle Eastern Pipe Line Co.;  
Notice of Filing**

November 21, 1989.

Take notice that on November 15, 1989, Panhandle Eastern Pipe Line Company (Panhandle) filed revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to be effective December 1, 1989.

Panhandle requests that the Commission substitute these tariff sheets, which reflect the correct interest rate for the fourth quarter of 1989, in lieu of the three tariff sheets filed on October 31, 1989.

Panhandle states that copies of this filing have been mailed to its jurisdictional customers, interested state regulatory agencies and all parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1989)). All such protests should be filed on or before November 29, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this

filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-27891 Filed 11-28-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ90-1-28-001]

**Panhandle Eastern Pipe Line Co.;  
Proposed Changes in FERC Gas Tariff**

November 22, 1989.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on November 20, 1989, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

First Substitute Seventy-Fifth Revised Sheet No. 3-A  
First Substitute Fifty-Second Revised Sheet No. 3-B

The proposed effective date of these revised tariff sheets is December 1, 1989.

Panhandle states that these revised tariff sheets filed herewith reflect the following adjustments respecting Panhandle's D1 and D2 demand rates: (1) an increase of \$1.30 for D1 and (2) an increase of 0.05¢ for D2 pursuant to § 18.4 of the General Terms and Conditions of Panhandle's tariff (pipeline suppliers' demand costs).

Panhandle states that the above-referenced tariff sheets, as revised, are being filed in accordance with § 154.308 (quarterly PGA filing) of the Commission's Regulations and pursuant to §§ 18.1 and 18.4 (Purchased Gas Demand Rate Adjustments by Pipeline Suppliers) of Panhandle's FERC Gas Tariff, Original Volume No. 1 to reflect the changes in Panhandle's jurisdictional rates effective December 1, 1989.

Panhandle states that this revised quarterly PGA filing is to conform to Trunkline Gas Company's (Trunkline) revised demand rate adjustments filed on November 13, 1989 in compliance with the Commission's Orders dated May 31, 1989 and October 31, 1989 in Trunkline's Docket No. RP89-160-000 to be effective November 1, 1989.

Panhandle states that it should be noted that by order dated June 30, 1989, issued in Docket No. RP89-185-000, the Commission accepted for filing section 25 (Seasonal Sales Program) of Panhandle's FERC Gas Tariff, Original Volume No. 1. Pursuant to § 25.31 thereof, §§ 18.2, 18.3, 18.5, 18.6, 18.7 and 18.8 are suspended until reestablished in accordance with § 25.32. Accordingly, Panhandle is reflecting as a current adjustment only the changes in its D1 and D2 demand rates mentioned above.

Panhandle has requested any necessary waivers of the Commission's Regulations and the General Terms and Conditions of its PGA provisions in order to permit the revised tariff sheets to become effective as proposed.

Panhandle states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before November 30, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-27892 Filed 11-28-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-41-000]

**Southern Natural Gas Co.; Petition for  
Limited Waiver**

November 21, 1989.

Take notice that on November 8, 1989, Southern Natural Gas Company (Southern) filed a petition for limited waiver of certain provisions of its FERC Gas Tariff, Sixth Revised Volume No. 1, in compliance with § 161.3(b) of the Commission's Regulations. Southern requests a limited waiver of sections 5(d) and 5(e) of Rate Schedules FT and IT of its FERC Gas Tariff to the extent necessary to allow Southern, for the cumulative imbalance period ending March 31, 1989, (1) to offset the volumes on which Southern is owed an imbalance penalty by a shipper under section 5(d) by any volumes which Southern is allowed to retain from the same shipper under section 5(e), and (2) to charge all shippers who owe deficiency penalties to Southern under sections 5(d) the rate in effect on March 31, 1989, under Southern's AO Rate Schedule for the zone in which the deliveries were made.

Southern requests the Commission to allow Southern to lessen, in a limited



manner, the severity of first-time imbalance penalties to be levied against shippers who failed to make up deficient transportation imbalances which remained above the specified tolerance level. Southern also requests that the Commission allow it to net those overdeliveries by a shipper which Southern is authorized to retain under one or more service agreements against those deficiencies owed by the same shipper to Southern under one or more different service agreements.

Southern states that a copy of this filing is being served on all of its shippers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Procedure (18 CFR 385.214, 385.211 (1989)). All such motions or protests should be filed on or before November 29, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-27893 Filed 11-28-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-4-30-001]

#### Trunkline Gas Co.; Notice of Filing

November 21, 1989.

Take notice that on November 15, 1989, Trunkline Gas Company (Trunkline) filed revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to be effective December 1, 1989.

Trunkline requests that the Commission substitute these tariff sheets, which reflect the correct interest rate for the fourth quarter of 1989, in lieu of the three tariff sheets filed on October 31, 1989.

Trunkline states that copies of this filing have been mailed to its jurisdictional customers, interested state regulatory agencies and all parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance

with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1989)). All such protests should be filed on or before November 29, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-27894 Filed 11-28-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-252-001]

#### Washington Natural Gas Co.; Project Operator; Filing of Revised Tariff Sheet

November 22, 1989.

Take notice that on November 15, 1989, Washington Natural Gas Company (Washington Natural) 815 Mercer Street, Seattle, Washington, in its capacity as Project Operator of the Jackson Prairie Storage Project (Storage Project), located in Chehalis, Lewis County, Washington, tendered for filing with the Commission First Revised Sheet No. 13 in its FERC Gas Tariff, First Revised Volume No. 1, for effectiveness on November 1, 1989.

According to Washington Natural, it filed its FERC Gas Tariff, First Revised Volume No. 1, on September 29, 1989, containing a revised Gas Storage Project Agreement (Project Agreement) pursuant to which Washington Natural, as Project Operator of the Storage Project, will operate the Storage Project and that the revised Project Agreement supersedes the original Project Agreement contained in Washington Natural's FERC Gas Tariff, Original Volume No. 1. It is further stated that the Storage Project provides the natural gas storage capacity and capability to enable Northwest Pipeline Corporation (Northwest) to render its Rate Schedule SGS-1 storage service.

Washington Natural further states that, in an order issued October 31, 1989, the Commission accepted Washington Natural's First Revised Volume No. 1 for effectiveness November 1, 1989 but rejected one provision—section 6.6 of Article VI of the revised Project Agreement—without prejudice to its being refiled with a supporting explanation for its purpose and need.

According to Washington Natural, section 6.6 of the Project Agreement applies in force majeure circumstances on Northwest's system and allows Northwest to withdraw Working Gas during emergency situations to restore and maintain minimum pressure and service on its pipeline system and to replace the Working Gas, following the end of the emergency.

Washington Natural further states that section 6.6 of the revised Project Agreement exempted Working Gas deliveries to Washington Natural and The Washington Water Power Company from curtailment during emergency situations on Northwest's system, unless these parties gave their specific approval. According to Washington Natural this is the particular part of section 6.6 in the revised Project Agreement to which the Commission objected and which the Commission rejected.

Washington Natural states that section 6.6 of the revised Project Agreement as refiled on First Revised Sheet No. 13 restates section 6.6 as it appeared in the original Project Agreement and permits the curtailment of deliveries of Working Gas to Washington Natural and The Washington Water Power Company to the extent necessary during emergencies on the Northwest system.

Washington Natural states that copies of its filing were served upon the intervenors in this proceeding and upon those customers of Northwest who subscribe to its Rate Schedule SGS-1 service.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such protests should be filed on or before November 30, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-27895 Filed 11-28-89; 8:45 am]

BILLING CODE 6717-01-M



[Docket No. TQ90-1-52-001]

**Western Gas Interstate Co.; Tariff Filing**

November 22, 1989.

Take Notice that on November 16, 1989, Western Gas Interstate Company ("Western") filed certain tariff sheets to its FERC Gas Tariff.

Western states that the tariff sheets are filed in compliance with the October 17, 1989 Letter Order of the Director, OPR, requiring Western to file a tariff sheet reflecting the annual change to its Annual Charge Adjustment, effective October 1, 1989, rather than November 1, 1989 as proposed in Western's September 29, 1989 PGA filing in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such protests should be filed on or before November 30, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons who are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-27896 Filed 11-28-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-251-001]

**Alabama-Tennessee Natural Gas Co.; Proposed Changes in FERC Gas Tariff**

November 22, 1989.

Take notice that Alabama-Tennessee Natural Gas Company ("Alabama-Tennessee"), on November 15, 1989, tendered for filing revisions to its FERC Gas Tariff, First Revised Volume No. 1 in compliance with the Commission's "Order Accepting and Rejecting Tariff Sheets Subject to Refund and Conditions and Establishing a Hearing" issued October 31, 1989.

Copies of the filing were served upon the company's jurisdictional customers and interested public bodies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the

Commission's Rules and Regulations. All such protests should be filed on or before November 30, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-27949 Filed 11-28-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-253-002]

**Carnegie Natural Gas Co.; Compliance Filing**

November 22, 1989.

Take notice that Carnegie Natural Gas Company ("Carnegie"), on November 15, 1989, tendered for filing proposed revisions to its Second Revised Volume No. 1, FERC Gas Tariff, and supporting explanatory language, as required by the Commission's October 31, 1989 order issued in this proceeding.

Carnegie states that its proposed revised language applies to section 5.1(a) of its FTS and ITS Rate Schedules (Transportation Imbalances) and to Section 15.2 of the General Terms and Conditions of its FERC Gas Tariff (Nominations for Deliveries). The proposed imbalance tariff revisions pertain to specific penalties and charges Carnegie proposes to bill to transporters in addition to imbalance charges; the proposed nominations tariff language lists the information Carnegie will require from customers seeking deliveries of firm sales gas.

In addition, Carnegie provides a written narrative in its transmittal letter explaining its "first-through-the-meter" provision at section 15.2 of the General Terms and Conditions of its FERC Gas Tariff.

Carnegie also states that it has not filed tariff sheets removing its proposed Gas Inventory Charge flowthrough mechanism because, on November 6, 1989, Carnegie filed a request for reconsideration and request for stay of that aspect of the Commission's order, and the Commission has not yet acted on the matter.

Carnegie states that it has served the filing upon the company's jurisdictional customers, applicable state commissions, and other parties that have intervened in these dockets.

Any person desiring to protest said filing should file a protest with the

Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before November 30, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-27950 Filed 11-28-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-217-014]

**CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff**

November 22, 1989.

Take notice that CNG Transmission Corporation ("CNG"), on November 15, 1989, pursuant to Section 4 of the Natural Gas Act, the Commission's August 3, 1989 order in Docket No. RP88-190-002, *et al.* and Section 12.9 of the General Terms and Conditions of CNG's tariff, filed the following revised tariff sheet to Original Volume No. 1 of its FERC Gas Tariff:

Second Substitute Original Sheet No. 1601

The proposed effective date of this sheet is June 1, 1989. CNG states that the purpose of this filing is to correct a wording error inadvertently included on this tariff sheet. In addition, CNG requested that the proposed effective date for Substitute Third Revised Sheet No. 45 be June 1, 1989, rather than May 1, 1989.

Copies of the filing were served upon CNG's sales customers as well as interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before 11-30-89. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene. Copies of this filing are on file



with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-27951 Filed 11-28-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP89-37-006, RP89-32-006]

### High Island Offshore System; Compliance Filing

November 22, 1989.

Take notice that on November 16, 1989, High Island Offshore System (HIOS) filed certain revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, to be effective December 16, 1989.

HIOS states that this filing is in compliance with the Commission's order of October 17, 1989.

HIOS states that copies of this filing are being mailed to all parties to these consolidated proceedings.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1988)). All such protests should be filed on or before November 30, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-27952 Filed 11-28-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-47-025]

### Northwest Pipeline Corp.; Compliance Filing

November 22, 1989.

Take notice that on November 17, 1989, Northwest Pipeline Corporation (Northwest) filed certain tariff sheets to its FERC Gas Tariff to comply with the Commission's order of October 17, 1989 and to implement settlement rates as approved.

Northwest states that a copy of this filing is being served on all parties of record and on all jurisdictional customers and affected state commissions.

Any person desiring to protect said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE.,

Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1988)). All such protests should be filed on or before November 30, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-27953 Filed 11-28-89; 8:45 am]

BILLING CODE 6717-01-M

### ENVIRONMENTAL PROTECTION AGENCY

[FRL-3691-3]

#### Drinking Water; Announcement of Public Meeting to Discuss the Preliminary Concept Paper for the Disinfectants and Disinfection By-Products Rule

AGENCY: Environmental Protection Agency (EPA).

The EPA Office of Drinking Water is conducting a public meeting on December 4, 1989 from 9:00 a.m. to 4:00 p.m. at the EPA Headquarters Education Center Auditorium located at 401 M Street SW., Washington, DC 20460. This meeting concerns development of Primary Drinking Water Regulations for disinfectants and their by-products. Specifically, EPA would like to discuss in a public forum our preliminary approach to selection of contaminants, monitoring, determination of best available technologies, and specification of maximum contaminant levels and treatment technologies for the Disinfectants and Disinfection By-Products Rule.

The meeting will begin with a summary of the approach EPA is currently considering. Members of the public will be given an opportunity to make brief statements on issues relevant to the EPA approach. Most of the program will allow informal discussion of the issues. Copies of a preliminary concept paper outlining EPA's approach will be available at the meeting. A copy of the paper can also be obtained by writing to: Joseph A. Cotruvo, Ph.D., Director, Criteria and Standards

Division, U.S. Environmental Protection Agency, Office of Drinking Water (WH-550D), 401 M Street SW., Washington, DC 20460.

EPA will be accepting written comments on the paper at the above address until January 15, 1990.

Dated: November 22, 1989.

Robert H. Wayland,

Acting Assistant Administrator for Water.

[FR Doc. 89-27875 Filed 11-28-89; 8:45 am]

BILLING CODE 6560-50-M

### FEDERAL MARITIME COMMISSION

#### Agreement(s) Filed; Inter-American Freight Conference, et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC, Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC, 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-009648A-048.

Title: Inter-American Freight Conference Agreement.

#### Parties:

A. Bottacchi S.A. De Navegacion C.F.I. e I.  
American Transport Lines, Inc.  
A/S Ivarans Rederi  
Companhia Maritima Nacional  
Companhia De Navegacao Lloyd Brasileiro  
Companhia De Navegacao Maritima Netumar  
Empresa Lineas Maritimas Argentinas  
Sociedad Anonima (Elma S/A)  
Empresa De Navegacao Alianza S.A.  
Frota Amazonica S.A.  
Hamburg-Sudamerikanische Dampfschiffahrts-Gesellschaft Eggert & Amsinck (Columbus Line)  
Van Nievelt Goudriaan & Co. B.V.  
Reefer Express Lines PTY. Ltd.  
Transportacion Maritima Mexicana S.A.

Synopsis: The proposed modification would transfer provisions relating to



loyalty contracts from Article 14 to Article 13.03 (b).

**Agreement No.: 217-010051-016.**

**Title:** Mediterranean Space Charter Agreement.

**Parties:**

Compania Trasatlantica Espanola Costa Container Line  
Farrell Lines, Inc.  
"Italia" di Navigazione, S.P.A. Jugolinija  
Lykes Bros. Steamship Co., Inc.  
A.P. Moller-Maersk Line  
Nedlloyd Lijnen B.V.  
Sea-Land Service Inc.  
P&O Containers (TFL) Ltd.  
Zim Israel Navigation Co., Inc.

**Synopsis:** The modification proposes to add Compagnie Generale Maritime as a party to the Agreement and to reflect the name changes of three other parties.

**Agreement No.: 203-011117-005.**

**Title:** North America/Australasia Interconference and Carrier Discussion Agreement.

**Parties:**

Pacific Coast/Australia-New Zealand  
Tariff Bureau  
U.S. Atlantic & Gulf/Australia-New Zealand Conference  
Blue Star Line, Ltd.  
Hyundai Australia Direct Line  
Columbus Line  
Scancarriers  
Hong Kong Islands Line America S.A. ("HKI")  
Associated Container Transportation (Australia) Ltd.  
Ocean Star Container Line A.G.  
Australia-New Zealand Direct Line  
Lief Hoegh & Co., S.A. ("Lief Hoegh")  
Nedlloyd Lines.

**Synopsis:** The proposed amendment would delete HKI and Lief Hoegh as parties to the agreement. It would delete Canada and Mexico from the scope of the Agreement in conformity with the Commission's decision in Docket 87-24 and would change the name of the Agreement to "United States/Australasia Interconference and Carrier Discussion Agreement." It would also make a number of other administrative changes to the Agreement.

**Agreement No.: 202-011259.**

**Title:** United States/Southern Africa Conference Agreement.

**Parties:**

Empresa De Navegacao Internacional (Navinter)  
Lykes Bros. Steamship Co., Inc.  
Safbank Line, Ltd. (Safbank)

**Synopsis:** Agreement No. 202-011259 proposes to create a Conference in the

trade between the U.S. and South Africa. It authorizes the parties to perform the normal operational activities of a conference in addition to allowing the parties to charter vessel capacity (space or slots). It is anticipated that the United States/South and East Africa Conference and the South and East Africa/U.S.A. Conference will be dissolved on or about 30 days after the effectiveness of Agreement No. 202-011259, United States/Southern Africa Conference.

**Agreement No.: 202-011260.**

**Title:** United States/East Africa Conference Agreement.

**Parties:**

Bank Line East Africa Limited  
Lykes Bros. Steamship Co., Inc.  
P.O. Containers (TFL), Ltd.

**Synopsis:** Agreement No. 202-011260 proposes to create a Conference in the trade between the U.S. and East Africa. The parties are authorized to perform the normal operational activities of a conference, and also to charter vessel capacity (space or slots). It is anticipated that the United States/South and East Africa Conference as well as the South and East Africa/U.S.A. Conference will be dissolved on or about 30 days after the effectiveness of Agreement No. 202-011260, United States/East Africa Conference.

**Agreement No.: 203-011261.**

**Title:** ACL/Wallenius Space Charter and Cooperative Working Agreement.

**Parties:**

Atlantic Container Line ("ACL")  
Walleniusrederierna AB ("Wallenius")  
Rederiaktiebolaget Transatlantic  
Incotrans BV

**Synopsis:** The proposed agreement would permit Wallenius to charter space from ACL aboard ACL's roll-on roll-off vessels in the trade from U.S. Atlantic, Gulf, Great Lakes and St. Lawrence River ports and inland points via such ports to ports and points in Europe. It would also permit the parties to agree on the scheduling of vessels aboard which Wallenius charters space.

**Agreement No.: 203-011262.**

**Title:** ACL/Cunard General Agency Agreement.

**Parties:**

Atlantic Container Line  
The Cunard Steam-Ship Company, plc

**Synopsis:** The Agreement provides authority for the Cunard Steam-Ship Company, plc (Cunard) to serve as general agent for Atlantic Container Line in the United Kingdom and Eire

through December 31, 1991, and commits Cunard not to engage in common carrier activities within the geographic scope of the Agreement during the stated period.

**Agreement No.: 203-011263.**

**Title:** ACL/CGM General Agency Agreement.

**Parties:**

Atlantic Container Line  
Compagnie Generale Maritime

**Synopsis:** The Agreement provides authority for Compagnie Generale Maritime (CGM) to serve as general agent for Atlantic Container Line in France, Switzerland, Spain and Portugal through March 31, 1991, and commits CGM not to engage in common carrier activities within the geographic scope of the Agreement during the stated period.

By Order of the Federal Maritime Commission.

Dated: November 22, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 89-27880 Filed 11-28-89; 8:45 am]

BILLING CODE 6730-01-M

### Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916, and section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments and protests are found in §§ 560.7 and/or 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

**Agreement No.: 224-200307.**

**Title:** Port of Portland Terminal Agreement.

**Parties:** Port of Portland (Port), James River II, Inc., dba Western Transportation (WT).



**Filing Parties:** Ms. Elaine Lycan, Price Estimating & Regulatory Affairs, Port of Portland, P.O. Box 3529, Portland, OR 97208

**Synopsis:** The Agreement provides WT with the lease of terminal facilities located at Terminal 1, Portland, Oregon to be operated as a public cargo and passenger handling facility. WT is to assess dockage and wharfage charges based upon rates in the Port's tariff and is entitled to share certain dockage, wharfage and passenger fees. The Agreement's term expires June 30, 1991.

By Order of the Federal Maritime Commission.

Dated: November 22, 1989.

Joseph C. Polking,  
Secretary.

[FR Doc. 89-27905 Filed 11-28-89; 8:45 am]

BILLING CODE 6730-01-M

#### Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

**Agreement No.:** 224-200147-002.

**Title:** Jacksonville Port Authority Terminal Agreement.

**Parties:** Jacksonville Port Authority, Sea-Land Service, Inc.

**Synopsis:** The Agreement amends the basic agreement. It modifies provisions pertaining to the commencement of throughput charges. It also re-defines the beneficial occupancy clause and eliminates the CFS warehouse requirement of the agreement.

**Agreement No.:** 224-010747-002.

**Title:** City of Long Beach Terminal Agreement.

**Parties:** City of Long Beach (City), Boliden Sulex, Inc.

**Synopsis:** The Agreement modifies Agreement No. 224-010747 for the lease of property at the City's Pier G to (1) reflect a corporate name change from

Sulexport Corporation to Boliden Sulex, Inc. and (2) to provide for an adjustment of rent, as well as, the reservation of a vehicular easement on the leased premises and related matters.

By Order of the Federal Maritime Commission.

Dated: November 22, 1989.

Joseph C. Polking,  
Secretary.

[FR Doc. 89-27906 Filed 11-28-89; 8:45 am]

BILLING CODE 6730-01-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Office of the Assistant Secretary for Health

##### Advisory Committee on the National Institutes of Health; Establishment

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, the Department of Health and Human Services (DHHS) announces the establishment by the Secretary of the Advisory Committee On the National Institutes of Health.

The Committee shall advise and make recommendations to the Secretary and the Assistant Secretary for Health on strengthening the position of Director, NIH, in order to prepare the NIH for the challenges of the 1990's and beyond.

The Committee shall terminate on November 30, 1990, unless the Secretary, DHHS, formally determines that continuance is in the public interest.

Dated: November 21, 1989.

James O. Mason,

Assistant Secretary for Health and Acting Surgeon General.

[FR Doc. 89-27885 Filed 11-28-89; 8:45 am]

BILLING CODE 4160-17-M

##### Advisory Committee on the National Institutes of Health; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the meeting of the Advisory Committee on the National Institutes of Health (NIH).

**Date and Time:** December 4, 1989, at 4 p.m.

**Place:** Humphrey Building, Secretary's Conference Room, 6th Floor, 200 Independence Avenue SW., Washington, DC 20201.

**Open 4 p.m. to approximately 4:20 p.m.**

**Closed for remainder of meeting.**

**Agenda:** The open session of the meeting from 4 p.m. to approximately

4:20 p.m. will be devoted to introductions, swearing-in of Committee members, and welcoming remarks of the Chair. The remainder of the meeting will be closed to the public under 5 U.S.C. 552b(9)(B) because the premature disclosure of the proceedings would be likely to frustrate evaluation and implementation of the Committee recommendations by the Department of Health and Human Services and the Public Health Service. During the closed portion of the meeting, the Committee will be discussing the kinds of changes that might be needed to strengthen the position of Director, NIH, in order to prepare the NIH for the challenges of the 1990's and beyond.

Because of the necessity to commence the activities of the Committee as soon as possible, the usual requirement for advance notice of the Committee's meeting has been waived.

Anyone wishing to obtain a Roster of Members or other relevant information should contact Dr. Patricia J. Hoben, Office of the Assistant Secretary for Health, room 740 G Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201. Telephone (202) 245-6135.

Dated: November 21, 1989.

James O. Mason,

Assistant Secretary for Health and Acting Surgeon General.

[FR Doc. 89-27886 Filed 11-28-89; 8:45 am]

BILLING CODE 4160-17-M

#### National Institutes of Health

##### National Cancer Institute: Notice of Availability of 3ZD Mouse Hybridoma Cell Line

**AGENCY:** National Institutes of Health, Public Health Service, HHS.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the availability of the 3ZD mouse hybridoma cell line from the Biological Response Modifiers Program of the National Cancer Institute. This cell line produces the IgG1 monoclonal antibody against human IL-1 $\beta$  with no cross-reactivity with human IL-1 $\alpha$ .

**ADDRESS:** Individuals interested in obtaining this cell line or desiring further information should contact Joost Oppenheim, M.D., Head, Laboratory of Molecular Immunology, Biological Response Modifiers Program, NCI-FCRF, Frederick, Maryland 21701. (301) 698-1551.



Dated: November 22, 1989.

William F. Raub,

Acting Director, National Institutes of Health.

[FR Doc. 89-27946 Filed 11-28-89; 8:45 am]

BILLING CODE 4140-01-M

### National Cancer Institute; Amended Notice of Meeting

Notice is hereby given to amend the meeting notice for the meeting of the National Committee to Review Current Procedures for Approval of New Drugs for Cancer and AIDS which was published in the *Federal Register* (52 FR 11447) on March 20, 1989.

The meeting of December 7 originally scheduled in Conference Room 10, Building 31C, National Institutes of Health, Bethesda, MD, will now be held at the Hart Senate Office Building, Room 218, 200 Block of 2nd Avenue NE., Washington, DC 20510 from 9 a.m. to 4 p.m.

Dr. Elliott H. Stonehill, Assistant Director, National Cancer Institute, 9000 Rockville Pike, Building 31, Room 11A29, National Institutes of Health, Bethesda, Maryland 20892 (301/496-1148) will provide agenda details, transcripts or summaries of the meetings and rosters of the Committee members upon request.

Dated: November 24, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89-27947 Filed 11-28-89; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Grant Availability to Federally Recognized Indian Tribes for Projects Implementing Traffic Safety on Indian Reservations

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of a grant program.

**SUMMARY:** The Bureau of Indian Affairs intends to make funds available to Federally Recognized Indian Tribes on an annual basis for the purpose of financing highway traffic safety projects which are designed to reduce the high number of traffic accidents and their resulting fatalities, injuries, and property damage within Indian reservations. Due to the limited funding available for this program, all projects will be reviewed and selected on a competitive basis. This notice is intended to inform Indian tribes on the availability of the grant

monies and the process in which the projects are selected.

**DATES:** Applications must be received by July 1 of each program year.

**ADDRESSES:** Each tribe must submit its application to the BIA Agency or Area Office serving the area in which the tribe is located. The application will be addressed to the attention of: "Indian Highway Safety Program Coordinator". Application packets will be distributed on May 1 of each program year. Application packets will be sent to the tribal address as shown on the latest Tribal Leaders List which is compiled by the Bureau of Indian Affairs Tribal Government Services, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Tribes should direct all questions concerning the grant program and applications to the Area Indian Highway Safety Program Coordinator having responsibilities for the applicant tribe. More general inquiries on the National Indian Highway Safety Program may be directed to Charles L. Jaynes, Program Administrator, Bureau of Indian Affairs, P.O. Box 2006, Albuquerque, New Mexico 87124. Telephone: (505) 766-2181.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Federal-Aid Highway Act of 1973 (Pub. L. 93-87) provides for U.S. Department of Transportation funding to assist Indian tribes in financing highway safety projects. These projects are designed to reduce the number of traffic crashes and their resulting fatalities, injuries, and property damage within Indian reservations. All Federally recognized Indian tribes on Indian Reservations are eligible to receive this assistance, and at such time as highway safety projects are approved, the tribal governing bodies carry out and administer the programs. All tribes and reservations which avail themselves of this assistance are reimbursed for costs incurred under the terms of a Federal/Reservation agreement. The Department of Transportation pays from 75% to 100% of all costs of highway safety projects approved for funding under provisions of the Highway Safety act.

##### Responsibilities

For purposes of application of the Act, Indian reservations are collectively considered a "State" and the Secretary, U.S. Department of the Interior (DOI) is considered the "Governor of a State". The Secretary, DOI, delegated the authority to administer the programs throughout all the Indian reservations in the United States to the Commissioner, Bureau of Indian Affairs (BIA).

The Commissioner of BIA further delegated the responsibility for primary administration of the Indian Highway Safety Program to the Central Office Division of Safety Management (DSM), located in Albuquerque, New Mexico.

The chief, DSM, as program administrator of the Indian Highway Safety Program, has one full-time staff member to assist in program matters and provide technical assistance to the Indian tribes. It is at this level that contacts with the U.S. Department of Transportation are made with respect to program approval, funding of projects and technical assistance.

The U.S. Department of Transportation, through the National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration (FHWA), is responsible for assuring that the Indian Highway Safety Program is carried out in accordance with 23 U.S.C. 402 and other applicable Federal regulations.

The National Highway Traffic Safety Administration is responsible for the apportionment of funds to the Secretary of the Interior, review and approval of highway safety projects involving NHTSA highway safety areas of responsibilities, and technical guidance and assistance to BIA field offices and tribal coordinators by NHTSA regional offices in the general administration of the program.

The Federal Highway Administration is responsible for review and approval of highway safety projects involving FHWA highway safety areas of responsibilities and technical guidance and assistance to BIA field offices and tribal coordinators by FHWA division offices.

##### Program Areas

The Department of Transportation, at the direction of Congress, in the Omnibus Budget Reconciliation Act of 1981, conducted a major review to determine which State and local highway safety programs have been most effective in reducing traffic crashes, injuries and fatalities. The six most effective NHTSA and FHWA highway safety programs are: (1) Alcohol Countermeasures; (2) Police Traffic Services; (3) Occupant Protection; (4) Traffic Records; (5) Emergency Medical Services; and (6) Safety Construction and Operational Improvements.

##### Funding Criteria

The Department of Transportation will reimburse for costs associated with the following:



(1) Alcohol Countermeasures—Salary (DWI enforcement/education/rehabilitation); DWI training; breath-testing equipment; community/school alcohol traffic safety education; DWI offender education/rehabilitation; and vehicle expenses.

(2) Police Traffic Services—Salary (traffic enforcement/education); traffic enforcement training; speed enforcement equipment; community/school education; and vehicle expenses.

(3) Occupant Protection—(A) Child Car Seat Program—child car seats; car seat transportation/storage; educational materials; and office expenses. (B) Community Seat Belt Program—Salary; educational/promotional materials; office expenses; and training.

(4) Traffic Records—salary; computerized equipment.

(5) Emergency Medical Services—Training is the only allowable cost for funding.

(6) Safety Construction and Operation Improvements—Traffic signs (warning, regulatory, work zone); hardware; and sign posts.

#### Project Applications

Application packets will be forwarded to the tribes on May 1 of each program year. Upon receipt of the application packet, each tribe should prepare a proposed project application based upon the following guidelines:

A. *Program Planning.* Program planning shall be based upon the highway safety problems identified and countermeasures selected by the tribe for the purpose of reducing traffic crash factors.

B. *Problem Identification.* Highway traffic safety problems shall be identified from the best data available. This data may be found in tribal enforcement records on traffic crashes. Other sources of data include ambulance records, court and police arrest records. The problem identification process may be aided by using professional opinions of personnel in law enforcement, Indian Health Service, driver education, road engineers, etc.

Impact problems will be identified during the identification process. An impact problem is a highway safety problem that contributes to car crashes, fatalities and/or injuries, and one which may be corrected by the application of countermeasures. Impact problems can be identified from analysis of statewide and/or tribal traffic records. The analyses should consider, as a minimum: pedestrian, motorcycle, pedalcycle, passenger car, school bus, and truck accidents; records on problem

drivers, roadside and roadway hazards, alcohol involvement, youth involvement, defective vehicle involvement, suspended or revoked driver involvement, speed involvement and safety belt usage.

C. *Countermeasure Selection.* When tribal highway traffic safety problems are identified, appropriate countermeasures shall be developed by the tribe to solve or reduce the problems. The development of these countermeasures should take into account the overall cost of the countermeasure versus its possible effects on the problem.

D. *Objectives/Performance Indicators.* After countermeasure selection, the objective(s) of the project must be expressed in clearly defined, time-framed and measurable terms.

E. *Budget Format.* The activities to be funded shall be outlined according to BIA object groups, i.e., personal services, travel, supplies and materials, equipment, contracts, training, etc. Each object group shall be quantified, i.e., personal activities should show number to be employed, hours to be employed, hourly rate of pay, etc. Each object-group shall have sufficient detail to show what is to be procured, unit cost, quarter in which the procurement is to be made and the total cost, including and tribal contribution to the project.

F. *Evaluation Plan.* Evaluation is the process of determining whether a highway safety activity should be undertaken, if it is being properly conducted and if it has accomplished its objective. A plan explaining how the evaluation will be accomplished and identifying the criteria to be used in measuring performance shall be included in the grant application.

G. *Technical Assistance.* Department of Transportation, State, and Bureau personnel will be available to tribes for technical assistance in the preparation of tribal project applications.

H. *Section 402 Project Length.* Section 402 funds shall not be used to fund the same project at one location or jurisdiction for more than three years.

#### Submission Deadline

Each tribe must submit its application to the BIA Agency or Area Office serving the area in which the tribe is located. The application will be sent to the attention of: Indian Highway Safety Program Coordinator. The application must be received by July 1 of each program year. Requests for extension to this deadline will not be granted.

#### Selection Criteria

Project application will be reviewed

and evaluated by the Indian Highway Safety Program Office and applications will be ranked by assigning points to four areas of consideration. Those areas of consideration and their respective point values are listed below:

#### Magnitude of Problems—50 Points

1. Does a highway safety problem exist?
2. Is the problem significant?
3. Does the project contribute to the solution of the problem identified?
4. Number of traffic crashes last three years? Alcohol related?
5. Number of reported fatalities last three years? Alcohol related?

#### Countermeasure Selection—40 Points

1. Are the countermeasures selected the most effective?
2. Are they cost effective?
3. Have objectives been stated in realistic performance terms and are they attainable?
4. Are the objectives time-framed and are the time-frames realistic and attainable?

#### Tribal Leadership and Community Support—10 points

1. Are tribal resources used in this project? Tribal Resolution?
2. Does the project have community support? Support Letters?

#### Past Performance + or - 10 Points

1. Reporting (Financial & Programmatic).
2. Accomplishments.

#### Notification of Selection

The tribes selected to participate will be notified by letter. Each tribe will be requested to submit a *Certification Regarding Drug-Free Workplace Requirements*. Indian tribes receiving highway safety grants through the Indian Highway Safety Program must certify that they will maintain a drug-free workplace. The certification must be signed by an individual authorized to sign for the tribe or reservation. The certification must be received by the U.S. Department of Transportation prior to the release of grant funds for that tribe or reservation.

#### Notification of Non-Selection

The Program Administrator will notify each tribe not selected. The tribe will be advised of the reason for non-selection.

#### Uniform Administrative Requirements for Grants-in-Aid

Uniform grant administration



practices have been established on a national basis for all grant-in-aid programs by OMB Circular A-102, "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments".

Cost principals applicable to grants and contracts with State and local Governments have been established by OMB Circular A-87 and NHTSA Order 462-13A. It is the responsibility of the Program Administrator, Area Coordinators, and Contracting/Grants Officers to establish operating procedures consistent with the applicable provisions of those circulars.

#### Standards for Financial Management System

Tribal financial management systems must provide for:

1. Accurate, current, and complete disclosure of financial results of the highway safety project.
2. Adequate record keeping.
3. Control over and accountability for all funds and assets.
4. Comparison of actual with budgeted amounts.
5. Documentation of accounting records.
6. Appropriate auditing. Highway safety projects will be included in the tribal A-128 Single Audit.

Tribal programs will provide a monthly financial status report to the Department of Transportation. This report of expenditures will be submitted to the Program Administrator no later than fifteen days beyond the reporting month.

#### Project Monitoring

During the program year, it is the responsibility of the BIA to maintain a degree of project oversight, provide technical assistance as needed to assist the project in fulfilling its objectives, and assure that grant provisions are complied with.

#### Project Evaluation

A performance evaluation will be conducted for each highway safety project by the Bureau of Indian Affairs. The evaluation will measure the actual accomplishments to the planned activity.

Walter R. Mills,

Deputy to the Assistant Secretary-Indian Affairs (Operations).

[FR Doc. 89-27920 Filed 11-28-89; 8:45 am]

BILLING CODE 4310-02-M

#### Bureau of Land Management

[WY-920-00-4111-15; WYW63045]

#### Proposed Reinstatement of Terminated Oil and Gas Lease; Wyoming

Pursuant to the provisions of Public Law 97-451, 96 Stat. 2462-2466, and Regulations 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW63045 for lands in Campbell County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of \$7.00 per acre, or fraction thereof, per year and 16% percent, respectively.

The lessee has paid the required \$500 administrative fee and \$125 to reimburse the Department for the cost of this Federal Register notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW63045 effective May 1, 1986, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Supervisory Land Law Examiner.

[FR Doc. 89-27921 Filed 11-28-89; 8:45 am]

BILLING CODE 4310-22-M

#### INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-297]

#### Certain Cellular Radiotelephones and Subassemblies and Component Parts Thereof; Commission Determination not to Review Initial Determination Granting Motion for Summary Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Commission has determined not to review the presiding administrative law judge's (ALJ) initial determination (ID) granting the joint motion of respondents for summary determination terminating the investigation with respect to U.S. Letters Patent Des. 269,873 in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Cynthia P. Johnson, Esq., Office of the

General Counsel, U.S. International Trade Commission, telephone 202-252-1098.

SUPPLEMENTARY INFORMATION: The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.53 of the Commission's Interim Rules of Practice and Procedure (53 FR 33070, Aug. 29, 1988).

On October 5, 1989, respondents Nokia Corporation; Nokia-Mobira Oy; Nokia, Inc; Nokia-Mobira, Inc; A & A International and Tandy Corporation, all of the respondents in the above-captioned investigation, jointly filed a motion requesting summary determination-terminating the investigation with respect to U.S. Letters Patent Des. 269,873. The Commission investigative attorney (IA) supported the motion, and complainant Motorola opposed the motion.

On October 24, 1989, the presiding administrative law judge (ALJ) issued an initial determination (ID) (Order No. 28) granting the joint motion to terminate the investigation with respect to U.S. Letters Des. 269,873.

No petitions for review or government agency comments were filed.

Copies of all nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-252-1000. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

By Order of the Commission.  
Filed: November 21, 1989.

Kenneth R. Mason,  
Secretary.

[FR Doc. 89-27909 Filed 11-28-89; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-308]

#### Certain Key Blanks for Keys of High Security Cylinder Locks; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on October 26, 1989, under section 337 of the Tariff Act of 1930, as amended, 19



U.S.C. 1337, on behalf of Medeco Security Locks, Inc., P.O. Box 3075, U.S. 11, West Allegheny Drive, Salem, Virginia 24153. The complaint alleges violations of:

Subsection (a)(1)(B)(i) of section 337 in the importation into the United States or the sale within the United States after importation of certain key blanks for the keys of high security cylinder locks by reason of induced and contributory infringement of claims 4, 5, 17, 18 and 19 of U.S. Letters Patent 4,635,455 and claims 1, 2 and 3 of U.S. Letters Patent 4,732,022 and that there exists an industry in the United States as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202-252-1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

**FOR FURTHER INFORMATION CONTACT:** David A. Guth, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-252-1574.

**Authority:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.12 of the Commission's Interim Rules of Practice and Procedure, 53 FR 33034, 33057 (August 29, 1988).

**Scope of Investigation:** Having considered the complaint, the U.S. International Trade Commission, on November 20, 1989, *Ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B)(i) of section 337 in the importation into the United States or the sale within the United States after importation of certain key blanks for the keys of high security cylinder locks by reason of induced or contributory infringement of (1) claims 4, 5, 17, 18 or 19 of U.S. Letters Patent 4,635,455 or (2) claims 1, 2 or 3 of U.S. Letters Patent 4,732,022, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby

named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Medeco Security Locks, Inc., P.O. Box 3075, U.S. 11, West Allegheny Drive, Salem, Virginia 24153.

(b) The respondent is the following company alleged to be in violation of section 337, and is the party upon which the complaint is to be served: Action Security Products, Inc., 2113-D Palma Drive, Ventura, California 93003.

(c) David A. Guth Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with § 210.21 of the Commission's Interim Rules of Practice and Procedure, 53 FR 33034, 33059 (August 29, 1988). Pursuant to § 201.16(d) and 210.21(a) of the Commission's Rules (19 CFR 201.16(d) and 53 FR 33034, 33059 (August 29, 1988)), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

By order of the Commission.  
Kenneth R. Mason,  
Secretary.

Issued: November 20, 1989.

[FR Doc. 89-27910 Filed 11-28-89; 8:45 am]  
BILLING CODE 7020-02-M

[Inv. No. 337-TA-303]

**Certain Polymer Geogrid Products and Processes; Commission Decision Not To Review an Initial Determination Granting Complainant's Motion To Amend the Complaint**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) (Order No. 4) issued by the presiding administrative law judge (ALJ) granting complainant Tensar Corporation's motion to amend the complaint in the above-captioned investigation.

**ADDRESSES:** Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-252-1000.

**FOR FURTHER INFORMATION CONTACT:** Frances Marshall, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-252-1089.

Hearing-impaired individuals are advised that information about this matter can be obtained by contacting the Commission's TDD terminal, 202-252-1810.

**SUPPLEMENTARY INFORMATION:** On October 3, 1989, complainant Tensar Corporation filed a motion to amend the complaint and notice of investigation in the investigation so as to correct and supplement the list of foreign patent applications corresponding to the patents in issue in the investigation, U.S. Letters Patent 4,756,948 and U.S. Letters Patent 4,474,798. On October 26, 1989, pursuant to interim Commission rule 210.22 (53 FR 33059 (Aug. 29, 1988)), the ALJ issued an ID granting Tensar's motion.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and § 210.53 of the Commission's Interim Rules of Practice and Procedure [(53 FR 33070) (Aug. 29, 1988)].

By order of the Commission.  
Kenneth R. Mason  
Secretary.

Issued: November 21, 1989.

[FR Doc. 89-27911 Filed 11-28-89; 8:45 am]  
BILLING CODE 7020-02-M



[Investigation No. 337-TA-148/169]

**Certain Processes for the Manufacture of Skinless Sausage Casings and Resulting Product; Order Modifying Administrative Law Judge's Order****AGENCY:** U.S. International Trade Commission.**ACTION:** Notice.

**SUMMARY:** Notice is given that the Commission has modified an order issued by the presiding administrative law judge (ALJ) in the above-captioned investigation. The Commission has deleted a paragraph of the ALJ's order that provided that confidential treatment for certain information would continue for a period of 5 years following the termination of the investigation. The Commission has replaced that paragraph with a paragraph that does not contain a time limit.

**FOR FURTHER INFORMATION CONTACT:** William T. Kane, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 252-1116. Copies of the Commission's order and the nonconfidential documents filed in connection with this action are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 252-1000. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Commission's TDD terminal on (202) 252-1810.

**SUPPLEMENTARY INFORMATION:** On July 31, 1984, the presiding ALJ issued his final ID order in this investigation. Among other things, the order provided that *in camera* treatment for certain information would continue for a period of 5 years from the termination of the investigation. Because of the exclusion order in the investigation was issued by the Commission on November 26, 1984, *in camera* treatment would have expired on November 26, 1989.

On September 11, 1989, Viskase Corporation, successor to a co-complainant in this investigation, filed a petition for modification (under Commission interim rule 211.57) of the order of the presiding ALJ. Viskase requested that the Commission strike the portion of the order that provided that *in camera* treatment would expire after 5 years, in order that *in camera* treatment for the information continue indefinitely. Teepak, also a co-complainant in the original

investigation, filed a response supporting Viskase's position. Respondent Viscosan S.A. filed an opposition to the petition. No other comments were received.

The authority for this action is conferred by section 337(n) of the Tariff Act of 1930 (19 U.S.C. 1337(n)), added by the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418, August 23, 1988), and by Commission interim rule 210.6 (53 FR 33056-57, Aug. 29, 1988).

By order of the Commission.

Kenneth R. Mason,  
Secretary.

Issued: November 22, 1989.

[FR Doc. 89-27912 Filed 11-28-89; 8:45 am]

BILLING CODE 7020-02-M

**DEPARTMENT OF JUSTICE****Amoco Chemical Co., et al.; Extension of Public Comment Period on Proposed Consent Decree**

In accordance with section 122 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622, and the policy of the Department of Justice, 28 CFR 50.7, notice was published in the *Federal Register* on August 31, 1989, that a complaint was filed on August 15, 1989, in *United States v. Amoco Chemical Company, et al.*, Civil Action No. H-89-2734, in the United States District Court for the Southern District of Texas, Houston Division, and, simultaneously, a consent decree between the United States, Amoco Chemical Company and twenty other defendants was lodged with the Court. The prior notice stated that public comments on the proposed consent decree would be received for a period of thirty (30) days from the date of publication of the notice. In response to a request submitted by a member of the public, the public comment period on the proposed consent decree was extended until October 30, 1989. In response to concerns now expressed by residents near the site known as the "Brio Refinery Site", the period during which comments will be received from the public is reopened from October 30, 1989 until thirty (30) days from publication of this notice.

Accordingly, the Department of Justice will receive comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, 10th and Pennsylvania Avenue NW., Washington, DC 20530. All

comments should refer to *United States v. Amoco Chemical Company, et al.*, D.J. Ref. 90-11-3-325.

The proposed consent decree may be examined at the following offices of the United States Attorney and the Environmental Protection Agency ("EPA"):

**EPA Region VI**

Contact: Pamela Phillips, Office of Regional Counsel, U.S. Environmental Protection Agency, Region VI, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 655-2120.

**United States Attorney's Office**

Chief, Civil Division, U.S. Courthouse & Federal Building, 515 Rusk, 3rd Floor, Houston, Texas 77002, (713) 229-2600.

Copies of the proposed consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, room 1515, 10th and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy of the decree, please enclose a check for copying costs in the amount of \$19.90 payable to Treasurer of the United States.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-27922 Filed 11-28-89; 8:45 am]

BILLING CODE 4410-01-M

**Standard Machine & Equipment Co., Inc.; Lodging of Consent Decree**

In accordance with Departmental policy, notice is hereby given that on November 16, 1989, a proposed Consent Decree in *United States v. Standard Machine & Equipment Co., Inc.*, Civil Action No. 89-2450, was lodged with the United States District Court for the Northern District of Ohio. The proposed Consent Decree resolves an action alleging violations of the Clean Air Act and the asbestos NESHAP work practice standards contained at 40 CFR 61.141 *et seq.* by requiring Standard Machine & Equipment Co., Inc. to comply with the Act and the asbestos NESHAP and to pay to the United States a civil penalty in the amount of \$17,500.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the



Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Standard Machine & Equipment Co., Inc.*, D.J. reference # 90-5-2-1-1250.

The proposed Consent Decree may be examined at the office of the United States Attorney, Northern District of Ohio, Suite 500, 1404 East Ninth Street, Cleveland, Ohio 44114, the Region V office of the United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, room 1515, 10th Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$1.50 (15 pages at 10 cents per page) payable to the Treasurer of the United States.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-27923 Filed 11-28-89; 8:45 am]

BILLING CODE 4410-01-M

## Antitrust Division

### National Cooperative Research Notifications; Automotive Emissions Cooperative Research Program

Notice is hereby given that, on October 18, 1989, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the participants in the Automotive Emissions Cooperative Research Program ("the Program"), a joint research venture, filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the Program and (2) the nature and objective of the Program. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties participating in the Program and the nature and objective of the Program are given below.

The Program is composed of the following fourteen oil companies and three automobile manufacturers:

	Principal place of business	State of incorporation
Amoco Oil Co., 200 East Randolph Drive, Chicago, IL 60601.	Chicago, IL.	MD.
Atlantic Richfield Co., 515 South Flower Street, Los Angeles, CA 90071.	Los Angeles, CA.	DE.
Ashland Oil, Inc., P.O. Box 391, for J., 1000 Ashland Drive, Ashland, KY 41114.	Ashland, KY.	KY.
BP Oil Co., 200 Public Square 33-3507-K, Cleveland, OH 44114-2375.	Cleveland, OH.	OH.
Chevron Corp., 225 Bush Street, San Francisco, CA 94104.	San Francisco, CA.	DE.
Chrysler Motors Corp., 12000 Chrysler Drive, Highland Park, MI 48288.	Detroit, MI.	DE.
Conoco Inc., 600 North Dairy Ashford, Harris County, Houston, TX 77079.	Houston, TX.	DE.
Exxon Research and Engineering Co., 180 Park Avenue, P.O. Box 101, Florham Park, NJ 07932.	Florham Park, NJ.	DE.
Ford Motor Co., The American Road, Dearborn, MI 48121.	Dearborn, MI.	DE.
General Motors Corp., 3044 West Grand Boulevard, Detroit, MI 48232.	Detroit, MI.	DE.
Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Findlay, OH.	OH.
Mobil Oil Corp., 150 East 42nd Street, New York, NY 10017.	New York, NY.	NY.
Phillips Petroleum Co., 4th and Keeler Streets, Bartlesville, OK.	Bartlesville, OK.	DE.
Shell Oil Co., One Shell Plaza, Houston, TX 77001.	Houston, TX.	DE.
Sun Refining and Marketing Co., Ten Penn Center, 1801 Market Street, Philadelphia, PA 19103.	Philadelphia, PA.	PA.
Texaco Inc., 2000 Westchester Avenue, White Plains, NY 10650.	White Plains, NY.	DE.
Union Oil Company of California, 1201 West 5th Street, Los Angeles, CA 90017.	Los Angeles, CA.	CA.

The Program may contract with third parties, such as the Coordinating Research Council, Inc., incorporated in Georgia, with its principal place of business in Atlanta, Georgia, to perform certain functions.

The Program was agreed to as of October 18, 1989. The Program will have as its objective the development and carrying out of research and tests designed to evaluate the potential improvements in air quality achievable through the use of reformulated gasolines (including reformulated gasoline using ethers and ethanol as oxygenates), of methanol and other alternative fuels, and of developments in advanced automotive technology

including emission control systems. The Program will also evaluate the relative cost-effectiveness of these various alternatives. The members of the Program expect the research and testing to provide sound and reliable data with which the Federal Government as well as various state governments can fairly and accurately compare the costs and benefits of the various alternatives to reducing emissions and ozone forming potential from motor vehicles in order to improve air quality. The members anticipate that the data from the testing will be made available to Congress, the Environmental Protection Agency, various state regulators, and the public.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 89-27924 Filed 11-28-89; 8:45 am]

BILLING CODE 4410-01-M

### National Cooperative Research Notification; National Center For Manufacturing Sciences, Inc.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the National Center for Manufacturing Sciences, Inc. ("NCMS") has filed an additional written notification with the Attorney General and the Federal Trade Commission on November 3, 1989, concerning the identities of additional members of NCMS and certain state-of-the-art investigations it has undertaken. The additional written notification was filed for the purpose of extending the protections of section 4 of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

The following companies have become members of the NCMS since August 9, 1989:

Apeiron, Inc.  
D. Appleton Company  
Flow Research, Inc.  
Giddings & Lewis, Inc.  
Sensor Adaptive Machines, Inc.  
Setco Industries, Inc.  
Thomas Group, Inc.

The NCMS has awarded a number of state-of-the-art investigation contracts in various manufacturing fields and is currently negotiating with several prospective contractors for research projects directed toward NCMS's objectives.

On February 20, 1987, NCMS filed its original notification pursuant to section 6(a) of the Act, notice of which was published by the Department of Justice ("the Department") pursuant to section 6(b) of the Act on March 17, 1987 (52 FR



8375). NCMS filed additional notifications, identifying its initial membership, on April 15, 1988 and May 5, 1988, notices of which were published by the Department on June 2, 1988 (53 FR 20194). On July 11, 1988, NCMS filed a notification change in membership, notice of which was published by the Department on August 19, 1988 (53 FR 31771). On September 13, 1988, NCMS filed an additional notification of change in membership and change of state of incorporation, notice of which was published by the Department on November 4, 1988 (53 FR 44680). NCMS filed additional notifications of membership changes on December 8, 1988, March 9, 1989 and August 10, 1989, notices of which were published on January 18, 1989 (54 FR 2006), April 13, 1989 (54 FR 14878), and September 18, 1989 (54 FR 38461).

Joseph H. Widmar,

*Director of Operations, Antitrust Division.*

[FR Doc. 89-27925 Filed 11-28-89; 8:45 am]

BILLING CODE 4410-01-M

#### National Cooperative Research Notifications; Open Software Foundation, Inc.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Open Software Foundation, Inc. ("OSF") has filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission on October 26, 1989, disclosing changes in its membership. The additional notification was filed for the purpose of extending the protections of section 4 of the Act limiting recovery of antitrust plaintiffs to actual damages under specified circumstances.

On August 8, 1988, OSF and the Open Software Foundation Research Institute, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the *Federal Register* pursuant to section 6(b) of the Act on September 7, 1988, 53 FR 34594. On November 4, 1988, February 2, 1989, and July 28, 1989, OSF filed additional written notifications. The Department published notices in the *Federal Register* in response to additional notifications on November 25, 1988 (53 FR 47773), February 23, 1989 (54 FR 7893), and August 25, 1989 (164 FR 35408), respectively.

The identities of the new, non-voting members of OSF as of October 17, 1989 are as follows:

Member	Date
Schlumberger	7/28/89.
Institute of Systems Science	7/31/89.
Shell Development Company	8/09/89.
Chung-Ang University	8/29/89.
Institut für Wirtschaftsinformatik	8/29/89.
Naval Underwater Systems Center	9/06/89.
National Computer Board	9/11/89.
Computer Institute of Japan, Ltd.	9/13/89.
Columbia University	9/14/89.
Objectivity, Inc.	9/15/89.
Andersen Consulting	9/21/89.
Matsushita Electric Industrial Co., Ltd.	9/23/89.
Microelectronics Computer Tech Corp.	9/25/89.
Transarc Corporation	10/06/89.
University of Bremen	10/06/89.
New Jersey Institute of Technology	10/10/89.

Joseph H. Widmar,

*Director of Operations, Antitrust Division.*

[FR Doc. 89-27926 Filed 11-28-89; 8:45 am]

BILLING CODE 4410-01-M

#### National Cooperative Research Notifications; Semiconductor Research Corporation

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301, *et seq.* ("the Act"), Semiconductor Research Corporation ("SRC") on October 25, 1989, has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing certain changes in the membership of SRC. The changes consist of the addition of Epic Design Technology, Etech Development Corporation, Peak Systems, Inc., Rapro Technology, Inc. and Technology Modeling Associates, Inc. and the deletion of Applied Materials, Inc.

The SRC filed its notification of these membership changes for the purpose of extending the Act's provisions limiting recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the SRC's general area of planned activity is given below.

The SRC is a joint venture which, with the addition and deletion of the previously identified companies to the SRC, comprises the following members: Advanced Micro Devices, Incorporated AT&T Technology, Incorporated Control Data Corporation Digital Equipment Corporation E.I. du Pont de Nemours & Company Eastman Kodak Company Eaton Corporation Epic Design Technology E-Systems, Incorporated Etech Development Corporation General Electric Company/RCA General Motors Corporation Harris Corporation

Hewlett-Packard Company  
Honeywell, Incorporated  
IBM Corporation  
Intel Corporation  
LSI Logic Corporation  
Microelectronics and Computer Technology Corporation  
Micron Technology, Inc.  
Motorola, Incorporated  
National Semiconductor Corporation  
NCR Corporation  
Peak Systems, Inc.  
Perkin-Elmer Corporation  
Rapro Technology, Inc.  
Rockwell International Corporation  
SEMATECH, Inc.  
Silvaco Data Systems  
Solid State Equipment Corporation  
Technology Modeling Associates, Inc.  
Texas Instruments Incorporated  
Union Carbide Corporation  
Varian Associates, Incorporated  
Westinghouse Electric Corporation  
Xerox Corporation

The SRC's purpose is to plan, promote, coordinate, sponsor, and conduct research supportive of the semiconductor industry and directed toward:

1. Increasing knowledge of semiconductor materials and phenomena, and of related scientific and engineering subjects that are required for the useful application of semiconductors;
2. Developing new and more efficient designs and manufacturing technologies for semiconductor devices;
3. Identifying directions, limits, opportunities, and problems in generic semiconductor technologies;
4. Increasing the number of scientists and engineers proficient in research, development, and manufacture of semiconductor devices;
5. Increasing industry-university ties, establishing university semiconductor research centers with major long-term research thrusts, and developing university semiconductor research activities with more precisely defined, short-term objectives;
6. Developing more relevant graduate school education and a larger supply of graduate students in areas related to semiconductor technology;
7. Increasing the ability of universities to attract and retain competent faculty in the semiconductor field;
8. Decreasing fragmentation and redundancy in United States semiconductor research;
9. Establishing advanced research efforts for critical semiconductor technology areas that are beyond the individual resources of many SRC members; and



10. Promoting efficient communication of research results to SRC members and to the United States semiconductor community as a whole.

On January 8, 1985, SRC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice ("the Department") published a notice in the *Federal Register* pursuant to section 6(b) of the Act on January 30, 1985 (50 FR 4281). SRC filed additional notifications on June 6, 1985, November 4, 1985, February 19, 1986, and September 11, 1987, notice of which the Department published on June 28, 1985 (50 FR 26850), December 24, 1985 (50 FR 52568), March 18, 1986 (51 FR 9287), and October 9, 1987 (52 FR 37949), respectively. SRC also filed additional notifications on December 19, 1986 and January 30, 1987; the Department published notice of both on February 13, 1987 (52 FR 4671). SRC also filed an additional notification on December 13, 1988, notice of which the Department published on January 13, 1989, (FR 1454). SRC also filed additional notifications on January 31, 1989 and February 10, 1989; the Department published notice of both on March 13, 1989 (54 FR 10456). SRC also filed an additional notification on March 29, 1989, notice of which the Department published on May 4, 1989 (54 FR 19256). SRC also filed an additional notification on July 13, 1989, notice of which the Department published on August 10, 1989 (54 FR 32855).

Joseph H. Widmar,  
Director of Operations, Antitrust Division.  
[FR Doc. 89-27927 Filed 11-28-89; 8:45 am]  
BILLING CODE 4410-01-M

#### National Cooperative Research Notifications; UNIX International, Inc.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), UNIX International, Inc. on October 31, 1989, filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in the membership of UNIX International, Inc. The additional notification was filed for the purpose of extending the protections of section 4 of the Act, limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On January 30, 1989, UNIX filed its original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the *Federal Register* pursuant to section 6(b) of the Act on March 1, 1989, 54 FR 8608. On May 4, 1989, and

August 1, 1989 UNIX filed additional written notifications. The Department published notices in the *Federal Register* in response to the additional notifications on June 22, 1989 (54 FR 26286), and August 17, 1989 (54 FR 33985), respectively.

As of October 27, 1989, the following have become members of UNIX International, Inc.:

Altos Computer Systems  
Aoyama Gakuin University  
Cambridge Tech  
Chorus Systems  
Convex Computer  
CSK  
Diab Data AB  
Edinburgh Port  
ETRI  
Far East Computers  
Fiat Auto  
Fourth Wave  
Imperial Software  
Keio University  
Kmart  
Labtam Limited  
Mannesmann  
Matsushita Electric Industrial Co., Ltd.  
MITAC International  
NTT Data Comm.  
Samsung Electronic  
Santa Cruz Oper.  
SMT-GOUPIL  
Softway Pty. Ltd.  
Sumitomo Electric  
Sumitomo Metal  
Swedish Defense  
Tatung Co.  
Teradata Corp.  
TI  
University of Tokyo  
WYSE Technology  
Yokogawa Electric.  
Joseph H. Widmar,  
Director of Operations, Antitrust Division.  
[FR Doc. 89-27928 Filed 11-28-89; 8:45 am]  
BILLING CODE 4410-01-M

#### Drug Enforcement Administration

##### Manufacturer of Controlled Substances; Application by Abbott Laboratories

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations, (CFR), this is notice that on June 2, 1989, Abbott Laboratories, 14th Street and Sheridan Road, Attn: Customer Service D-345, North Chicago, Illinois 60064-4000, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Fentanyl (9801).....	II
Bulk dextropropoxyphene (non-dosage forms) (9273).....	II
Hydromorphone (9150).....	II
Amphetamine, its salts, optical isomers, and salts of its optical isomers (1100)....	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, attention: DEA Federal Register Representative CCR, and must be filed no later than December 29, 1989.

Dated: November 14, 1989.

Gene R. Haislip,  
Deputy Assistant Administrator, Office of  
Diversion Control, Drug Enforcement  
Administration.

[FR Doc. 89-27943 Filed 11-28-89; 8:45 am]  
BILLING CODE 4410-09-M

#### Manufacture of Controlled Substances; Registration of Knoll Pharmaceuticals

By Notice dated January 9, 1989, and published in the *Federal Register* on January 12, 1989, (54 FR 1257), Knoll Pharmaceuticals, 30 North Jefferson Road, Whippany, NJ 07981, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of hydrocodone, a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: November 20, 1989.

Gene R. Haislip,  
Deputy Assistant Administrator, Office of  
Diversion Control, Drug Enforcement  
Administration.

[FR Doc. 89-27941 Filed 11-28-89; 8:45 am]  
[BILLING CODE 4410-09-M]



**Manufacturer of Controlled Substances; Registration of Mallinckrodt Specialty Chemicals Co.**

By Notice dated March 16, 1989, and published in the Federal Register on March 22, 1989, (54 FR 11823), Mallinckrodt Specialty Chemicals Company, Mallinckrodt and Second Street, St. Louis, MO 63147, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cocaine (9041).....	II
Codeine (9050).....	II
Diprenorphine (9058).....	II
Etorphine Hydrochloride (9059).....	II
Dihydrocodeine (9120).....	II
Oxycodone (9143).....	II
Hydromorphone (9150).....	II
Diphenoxylate (9170).....	II
Hydrocodone (9193).....	II
Levorphanol (9220).....	II
Methadone (9250).....	II
Methadone—Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane (9254).....	II
Bulk dextropropoxyphene (non-dosage forms) (9273).....	II
Morphine (9300).....	II
Thebaine (9333).....	II
Opium extracts (9610).....	II
Opium fluid extracts (9620).....	II
Tincture of opium (9630).....	II
Powdered opium (9639).....	II
Granulated opium (9640).....	II
Oxymorphone (9652).....	II
Fentanyl (9801).....	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: November 20, 1989.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 89-27942 Filed 11-28-89; 8:45 am]

BILLING CODE 4410-09-M

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**Advisory Committee on Construction Safety and Health; Full Committee Meeting**

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standard Act (40 U.S.C. 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will meet on December 13 and 14, 1989 in Room S-4215 A and B of the Frances Perkins Building, Department of Labor, Washington, DC. The meeting is open to the public and will begin at 9:00 am.

The agenda for this meeting includes reports on: The extension of the Permissible Exposure Limits Rule for Construction, OSHA's response to Committee comments on the excavation standard, the status on subpart R proposed rule, the status of the final rule in lockout-tagout, the compliance directive for the excavation standard, the OSHA response to the Committee's legislative proposals, the compliance directive for inspections of employers with significant histories of workplace fatalities and the proposed rule on permit required for confined space. Reports will also be received from the Committee's work groups on cadmium, vehicle safety, recordkeeping, hazard communication and compliance officer training. Written data, views or comments may be submitted, preferably with 20 copies, to the Division of Consumer Affairs. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting. Anyone wishing to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation.

For additional information contact: Tom Hall, Division of Consumer Affairs, Occupational Safety and Health Administration, Room N-3647, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone 202-523-8615. An official record of the meeting will be

available for public inspection at the Division of Consumer Affairs.

Signed at Washington, DC this 27th day of November 1989.

**Gerard F. Scannell,**  
*Assistant Secretary.*

[FR Doc. 89-28043 Filed 11-27-89; 4:34 pm]

BILLING CODE 4510-26-M

**NUCLEAR REGULATORY COMMISSION**

**Information Notices and Bulletins**

This notice is to announce that information notices and bulletins issued by the U.S. Nuclear Regulatory Commission (NRC) can now be purchased through a subscription service form the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9323. The Government Printing Office telephone number is (202) 275-2060. If any additional information or clarification is needed, contact Don Kirkpatrick, NRC on (301) 492-1152.

Dated at Rockville, Maryland this 21st day of November, 1989.

For The Nuclear Regulatory Commission.

**Charles E. Rossi,**

*Director, Division of Operational Events Assessment, Office of Nuclear Reactor Regulation.*

[FR Doc. 89-27913 Filed 11-28-89; 8:45 am]

BILLING CODE 7590-01-M

**Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations**

**I. Background**

Pursuant to Public Law (P.L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing this regular biweekly notice. P.L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all



notices of amendments issued, or proposed to be issued from November 6, 1989 through November 16, 1989. The last biweekly notice was published on November 15, 1989 (54 FR 47598).

**NOTICE OF CONSIDERATION OF  
ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE AND  
PROPOSED NO SIGNIFICANT  
HAZARDS CONSIDERATION  
DETERMINATION AND  
OPPORTUNITY FOR HEARING**

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By December 29, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance

with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the

petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission.



Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Project Director*): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

**Commonwealth Edison Company,**  
Docket Nos. 50-237 and 50-249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

*Date of application for amendments:*  
October 30, 1989

*Description of amendments request:*  
Currently, the Dresden Nuclear Power Station (DNPS), Units 2 and 3, Technical Specifications (TS) do include cycle-specific and fuel bundle type specific power distribution operating limits. Typically, in the past, changes to these limits would be submitted for NRC approval prior to each refueling outage to reflect upcoming cycle-specific characteristics. Since these limits were determined using a methodology previously approved by the NRC, license amendments were an unnecessary burden on the utility and NRC resources. In order to facilitate the elimination of these unnecessary amendments, the NRC issued Generic Letter 88-16,

"Removal of Cycle-Specific Parameter Limits from Technical Specifications." This Generic Letter provides guidance in removing the cycle-specific and fuel bundle-specific operating limits from the TS and recording them in a Core Operating Limits Report (COLR). Commonwealth Edison Company (CECo) proposed a TS amendment for DNPS in accordance with Generic Letter 88-16 and the previously approved lead Boiling Water Reactor (BWR) Plant (Brunswick).

CECo's proposed TS amendment removes the following cycle-specific and fuel bundle type specific operating limits: Average Planar Linear Heat Generation Rate, Minimum Critical Power Ratio, Linear Heat Generation Rate, and Rod Block Monitor Upscale Setpoints. In place of these limits, the applicable TS sections will reference the COLR. The COLR is an unit specific document containing the power distribution operating limits that apply for a specific cycle.

COLRs for future operating cycles will be submitted to the NRC for information prior to startup following each refueling outage as required by Generic Letter 88-16. The implementation and revision of the COLRs will be controlled by DNPS Administrative Procedures. It should be noted that COLR revisions will receive the same level of detailed review and required approvals by the CECo Nuclear Fuel Services (NFS) Department, and On-Site and Off-Site Review Committees as Technical Specification changes do. In addition, the Definitions Section of the Technical Specifications shall have an entry entitled, "Core Operating Limits Report," and there will be a new administrative reporting requirement added to the existing reporting requirements in Section 6.6.A of the Technical Specifications.

*Basis for proposed no significant hazards consideration determination:*  
The Commission provided standards for determining whether a no significant hazards consideration exists as stated in 10 CFR 50.92(C). A proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability of consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

CECo reviewed the proposed changes to the TS and determined that the requested amendment does not involve a significant hazards consideration.

More specifically, operation of DNPS in accordance with the proposed amendment:

(1) Does not involve a significant increase in the probability or consequences, of any accident previously evaluated because plant protective functions and modes of operation are not altered. This amendment removes cycle-specific and fuel bundle type specific power distribution limits from the Technical Specifications and places them in a separate, controlled document (i.e., COLR). These changes are essentially administrative in nature, as the parameters in the COLR are the same as those currently specified in the Technical Specifications. NRC approved methods will still be used to analyze reloads of NRC approved fuel types for determining the results reported in the COLR. The surveillance requirements for these operating limits remain unchanged. Furthermore, functional requirements of safety-related equipment remain unaffected.

(2) Does not create the possibility of a new or different kind of accident from any accident previously evaluated because as stated above no safety-related equipment, safety function, plant protective feature, or mode of operation will be altered as a result of this amendment. The proposed changes do not create any new type of accident. The proposed amendment is in accordance with the guidance provided in Generic Letter 88-16 for licensees requesting removal of the values of cycle-specific parameters from the TS. These operating limits will be developed in accordance with NRC-approved methodology, and the incorporation of these limits to the COLR ensure they will be properly controlled. Furthermore, the TS requirement for submitting the COLR to the Commission will allow the staff to continue to trend the value of these limits without the need for prior staff approval and without introduction of an unreviewed safety question. The current spectrum of analyzed reactor transients and accidents remains unchanged.

(3) Does not involve a significant reduction in the margin of safety. No plant functions are changed by this amendment. The change only removes cycle-specific and fuel bundle type specific power distribution limits from the Technical Specifications and incorporates these limits in the COLR. The plant will still continue to be operated within the boundaries established by these same power distribution limits as calculated using NRC approved methods.

The Commission conducted a preliminary review of CECo's proposed amendment and analysis of no significant hazards. Currently, the Commission concurs with CECo's determination, and proposes that the aforementioned amendment does not constitute a significant hazards consideration.

*Local Public Document Room location:* Morris Public Library, 604 Liberty Street, Morris, Illinois 60450.

*Attorney for licensee:* Michael L. Miller, Esquire; Sidley and Austin, One



First National Plaza, Chicago, Illinois 60603.

*NRC Project Director:* John W. Craig

**Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan**

*Date of amendment request:*

September 2, 1988

*Description of amendment request:*

The proposed amendment would revise the provisions in the Technical Specifications to incorporate operability and surveillance requirements for core exit thermocouples (CET). A new specification and several applicable footnotes would be added to Table 3.17.4 establishing minimum CET operability requirements, permissible bypass conditions, and compensatory actions to be taken in the event of CET inoperability. A new item would also be added to Table 4.1.3 specifying periodic surveillance requirements for the CET. In addition, the licensee proposes to revise Basis paragraph 3.17 to reflect the above described changes.

*Basis for proposed no significant hazards consideration determination:* The Commission has made a proposed determination that the amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that the operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

The Commission has evaluated the proposed changes against the above standards as required by 10 CFR 50.91(a) and has concluded that:

The changes do not involve a significant increase in the probability or consequences of an accident previously evaluated (10 CFR 50.92(c)(1)) because the proposed changes merely add operability and surveillance requirements for the upgraded core exit thermocouples (CETs) where none had existed previously. The upgraded CETs are environmentally qualified thermocouples with increased indicating range and improve the operators' ability to monitor core temperatures following an accident.

The changes do not create the possibility of a new or different kind of accident from any accident previously evaluated (10 CFR 50.92(c)(2)) because they do not affect the manner by which the facility is operated. The proposed changes merely add operability and

surveillance requirements for the upgraded core exit thermocouples (CETs) where none had existed previously.

The changes do not involve a significant reduction in a margin of safety (10 CFR 50.92(c)(3)) because the proposed changes do not affect the manner by which the facility is operated or involve equipment or features which affect the operational characteristics of the facility.

*Local Public Document Room location:* Van Zoeren Library, Hope College, Holland, Michigan 49423.

*Attorney for licensee:* Judd L. Bacon, Esq., Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

*NRC Project Director:* John O. Thoma, Acting

**Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania**

*Date of amendment request:* October 16, 1989

*Description of amendment request:* The proposed amendment would revise the Technical Specifications to conform with the Westinghouse Standard Technical Specifications (WSTS) as is expressed in the McGuire Technical Specifications. The amendment would specify the time limits during which the diesel generator fuel oil can be allowed out of specifications (3.8.1.1.a, b and d). New requirements would be imposed requiring periodic removal of water from the diesel fuel tank, sampling of new fuel oil in accordance with industry test standard documents, and periodic testing of stored fuel oil.

*Basis for proposed no significant hazards consideration determination:* The Commission has provided standards for determining whether a significant hazards consideration exists in accordance with 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazard consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The new diesel oil specifications comply with current guidance documents and do not reduce the level of diesel generator operability. The new requirements cannot function as initiating events of any previously analyzed accidents. Furthermore, we determined that despite the proposed

changes to the Technical Specifications, the original design requirement of the system will continue to be met, and safety-related systems which require power supply from the diesel generators will be capable of performing their original design functions. Hence the probability and consequences of previously analyzed accidents will not be increased. There is no hardware, software or operational procedure changes as a result of the proposed amendment, and hence no new failure modes are introduced. Finally, there is no change in any analytical assumption or acceptance criteria.

We therefore propose to determine that the requested amendment involves no significant hazards consideration.

*Local Public Document Room location:* B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

*Attorney for licensee:* Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

*NRC Project Director:* John F. Stolz

**Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania**

*Date of amendment request:* October 16, 1989

*Description of amendment request:* The proposed amendment would revise the Technical Specifications to clarify the reactor coolant system (RCS) boron dilution requirements. These changes have been incorporated in the D.C. Cook and Millstone 3 Technical Specifications. Specifically, (1) A footnote would be added to Section 3.1.1.3 to clearly define boron reduction (dilution), (2) An existing footnote to Section 3.4.1.3 would be expanded to clearly define boron dilution, (3) Section 3.4.1.4 would be totally rewritten to impose requirements on RCS isolated loops, (4) Section 3.4.1.5 would be rewritten to address requirement to restart isolated RCS loops, (5) A footnote would be added, similar to item (1) above, to Section 3.9.8.1 to clearly define boron dilution (reduction), and (6) Basis Section 3/4.4.1 would be revised to reflect changes included in items (3) and (4).

The purpose of the above specifications would be to preclude reactivity transients when isolated RCS loops are to be restarted.

*Basis for proposed no significant hazards consideration determination:* The Commission has provided standards for determining whether a significant hazards consideration exists



in accordance with 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The above changes affect requirements that are not initiators of previously analyzed accidents, and not contributors to consequences of previously analyzed accidents; the answer to the first criterion is thus negative. The above requirements all seek to assure, through administrative controls, that minimum shutdown margins are available to prevent accidents from occurring; all accidents attributed to loss of shutdown margin have been previously analyzed and the new requirements cannot result in new accidents. Hence the answer to criterion (2) is also negative. Finally, there will be no changes to safety analysis assumptions and acceptance criteria, and hence the answer to the third criterion is also negative.

The staff therefore proposes to determine that the requested amendment involves no significant hazards consideration.

**Local Public Document Room**  
location: B. F. Jones Memorial Library,  
663 Franklin Avenue, Aliquippa,  
Pennsylvania 15001.

**Attorney for licensee:** Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

**NRC Project Director:** John F. Stolz

**Duquesne Light Company, Docket Nos. 50-334 and 50-412, Beaver Valley Power Station, Unit Nos. 1 and 2 Shippingport, Pennsylvania**

**Date of amendment request:** October 16, 1989

**Description of amendment request:** The proposed amendments would revise the Technical Specifications of both units in a number of ways:

(1) Specification 4.7.13.1.a, regarding testing frequency of the Auxiliary River Water System (Unit 1), and the Standby Service Water System (Unit 2), would be revised from monthly to quarterly. The pumps in these systems are not safety-graded, and thus have no need to follow the monthly Class 1, 2 and 3 test schedule.

(2) Specification 4.7.8.1.b, regarding testing frequency of the Supplemental

Leak Collection and Release System (SLCRS) would be clarified by replacing "and" with "or" so that the conditions that would require testing can be more easily met. The current test frequency is non-conservative compared to the proposed frequency.

(3) Specifications 3.7.9.1 and 4.7.9.1.1 on sealed sources would be revised to comply with the requirements of the Standard Technical Specifications.

(4) Basis section 3/4.9.1 and 3/4.9.13 regarding the Unit 1 fuel building ventilation system would be revised to correct an error.

**Basis for proposed no significant hazards consideration determination:** The Commission has provided standards for determining whether a significant hazards consideration exists in accordance with 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

Change (1) affects the test frequency of a non-safety system which has no part in any accident scenarios. Change (2) would increase the test frequency of the SLCRS, a safety system, and hence improves its assurance of operability. The SLCRS mitigates consequences of accidents; the increased test frequency in no way decreases this function. Change (3) is not associated with any previously analyzed accidents, and change (4) is not part of the Technical Specifications. Hence all four changes would not involve any increase in consequences or probability of previously analyzed accidents.

No hardware or operational changes are involved. Hence the changes cannot create the possibility of a new or different kind of accident from any previously evaluated. Finally, there is no proposed change in analytical assumptions or acceptance criteria. Hence there is no reduction of any safety margin.

The staff therefore proposes to determine that the requested amendments involve no significant hazards consideration.

**Local Public Document Room**  
location: B. F. Jones Memorial Library,  
663 Franklin Avenue, Aliquippa,  
Pennsylvania 15001.

**Attorney for licensee:** Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts &

Trowbridge, 2300 N Street, NW., Washington, DC 20037.

**NRC Project Director:** John F. Stolz

**Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida**

**Date of amendment request:** March 22, 1989

**Description of amendment request:** At the start of each fuel cycle, the values of certain parameters associated with the design of the particular core must be established. Thus, when a new core is installed, the values of these parameters must be changed. Such parameters are referred to as "cycle-dependent." Generic Letter 88-16 provided guidance on relocating such parameters. This amendment would remove "cycle-dependent" limits from the Technical Specifications (TS) and relocate them to a Core Operating Limits Report. This report would document the specific values of parameters resulting from the licensee's calculations, including any mid-cycle revisions to such parameters. The TS would also be revised to define and require such a report. This amendment request is consistent with the guidance provided by Generic Letter 88-16.

**Basis for proposed no significant hazards consideration determination:** The Commission has provided criteria for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee analyzed the amendment request in light of the above three criteria. In regard to the first criterion, the licensee determined that the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated because the requirements to operate the Crystal River Unit 3 (CR-3) plant within the cycle-specific core operating limits would remain in the TS. The amendment would merely relocate the cycle-specific limits from the TS to a Core Operating Limits Report.

Regarding the second criterion, the licensee determined that the proposed



amendment would not create the possibility of a new or different kind of accident from any accident previously analyzed. The cycle-specific variables and limits would continue to be calculated using approved methodologies, and the requirements to operate within these approved limits would remain in the TS. Thus, no new limit or mode of plant operation has been introduced.

In regard to the third criterion, the licensee determined that the proposed amendment would not involve a significant reduction in a margin of safety. As stated before, both the requirement to calculate cycle-specific variables using approved methodologies and the requirement to have a TS ensuring that the approved limits are followed would remain. Furthermore, the appropriate corrective actions to be taken, should approved operating limits be violated, remain unchanged.

In addition, an application for a similar amendment to the TS of Duke Power Company's Oconee Nuclear Station Units 1, 2, and 3 was previously approved by the staff on January 26, 1989.

The staff has conducted a preliminary evaluation of the licensee's proposed amendment and agrees that it meets the above three criteria. Furthermore, the staff believes that the proposed amendment is consistent with the guidance provided by Generic Letter 88-16 and with policies already established by the Commission. Therefore, the staff proposes to determine that the proposed amendment involves no significant hazards considerations.

*Local Public Document Room location:* Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida 32629

*Attorney for licensee:* A. H. Stephens, General Counsel, Florida Power Corporation, MAC - A5D, P. O. Box 14042, St. Petersburg, Florida 33733

*NRC Project Director:* Herbert N. Berkow

**GPU Nuclear Corporation, Docket No. 50-320, Three Mile Island Nuclear Station, Unit No. 2, (TMI-2), Dauphin County, Pennsylvania**

*Date of amendment request:* December 27, 1988

*Description of amendment request:* The proposed amendment would revise TMI-2 Operating License No. DPR-73 by modifying the Appendix A Technical Specifications Section 6-3, "Unit Staff Qualifications". The proposed change would resolve a potential disparity between qualifications of unit staff personnel, required by the Appendix A

Technical Specifications and the plant conditions after defueling.

Section 6.3, Unit Staff Qualifications, states that Unit Staff personnel must comply with ANSI-N18.1 1971. ANSI-N18.1 1971 states that certain positions of the plant staff either hold or be capable of acquiring an operator's license. Additionally, the ANSI standard requires that the Plant Manager position requires either an individual or designated alternate have a Senior Reactor Operating (SRO) license or have the background required to sit for the examination.

Once defueling of TMI-2 is completed and the licensee has demonstrated that the possibility of an inadequate criticality is precluded then the licensee can, as allowed by the current Technical Specifications, transition to Mode 2. In Mode 2 there will no longer be a requirement to have licensed operators at TMI-2.

The licensee has proposed adding to Section 6.3.1 the statement that during Modes 2 and 3, the requirements of ANSI-N18.1 of 1971 pertaining to unit staff operator license qualifications not apply. The licensee asserts that since there will no longer be a requirement for senior reactor operators after they enter Mode 2, unit staff personnel or an alternate should not be required to have an SRO license, or be required to have the background to sit for the examination.

The licensee has stated that during Modes 2 and 3, GPU Nuclear will continue to apply the educational and experience requirements of ANSI-N18.1 of 1971 to the TMI-2 staff with the exception of unit staff licensed operator requirements unless specifically exempted in the Technical Specifications.

*Basis for proposed no significant hazards consideration determination:* The Commission has provided standards for determining whether a significant hazards consideration exists in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

TMI-2 is currently in a post-accident, cold shutdown, long-term cleanup mode. The licensee is presently engaged in the final stages of defueling the damaged reactor, decontaminating the facility and readying the plant for long-term storage. As of the end of September 1989,

approximately 94 percent of the fuel contained in the reactor vessel has been removed. Defueling the facility has progressed to the regions below the location of the original core volume. The licensee plans to remove greater than 99% of the fuel from the facility. Once the licensee can demonstrate that defueling is completed and there is no possibility of a recriticality then the licensee can, under provisions of Amendment 30, enter Mode 2. One of the provisions of Mode 2 allows the licensee to no longer man the control room with licensed operators. The staff has determined in previous license amendments, that the potential accidents analyzed for TMI-2 in the current cleanup-mode are bounded in scope and severity by the range of accidents originally analyzed in the facility FSAR. The change proposed by the licensee is a change to the Appendix A Technical Specifications. The change proposed by the licensee would resolve a potential disparity between required qualifications of unit staff personnel required by the Appendix A Technical Specifications and the plant conditions after entering Mode 2.

The proposed change does not significantly increase the probability or consequences of an accident previously evaluated because no changes are proposed to current safety systems or setpoints. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated because no new modes of operation or new equipment are being introduced. The proposed change removes the requirement to comply with ANSI-N18.1 1971, after the plant enters Mode 2, and as such does not affect the potential or severity of an accident at TMI-2. The proposed change does not involve a significant reduction in a margin of safety, because the facility would be defueled and the possibility of a criticality would be precluded.

Based on the above considerations, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

*Local Public Document Room location:* Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

*Attorney for licensee:* Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

*NRC Project Director:* John F. Stolz



**Illinois Power Company, Soyland Power Cooperative, Inc., Docket No. 50-461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois**

*Date of amendment request:* June 30, 1989

*Description of amendment request:* This proposed amendment would revise Technical Specification Sections 1.8, the definition of Core Alteration, and 3.9.5, which deals with communications during core alterations. The proposed change would revise the definition of Core Alteration to exclude the normal movement of LPRMs or the undervessel replacement of SRMs, IRMs, LPRMs, TIPs, or special moveable detectors from being considered a core alteration. The proposed change to Section 3.9.5 is only to remain consistent with the proposed revised definition.

*Basis for proposed no significant hazards consideration determination:* The staff has evaluated this proposed amendment and determined that it involves no significant hazards consideration. According to 10 CFR 50.92(c), a proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated because the Clinton Power Station reactor (BWR/6) design is such that the movement of incore instrumentation, including withdrawal or insertion for the purpose of replacement, does not constitute an operation that significantly affects core reactivity. In addition, such movement does not physically change the core configuration, or potentially degrade the condition of the reactor vessel with respect to its capability for containing reactor coolant.

The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated since the addition of LPRM movement or the removal of the moveable incore instruments is not significantly different than the movement of incore instruments that is currently allowed by the Technical Specifications.

The proposed changes do not involve a significant reduction in a margin of safety as the change involves no

alteration to plant design and affects no setpoints or margins assumed in any accident analysis.

For the reasons stated above, the staff believes this proposed amendment involves no significant hazards consideration.

*Local Public Document Room location:* Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727

*Attorney for licensee:* Sheldon Zabel, Esq., Schiff, Hardin and Waite, 7200 Sears Tower, 233 Wacker Drive, Chicago, Illinois 60606

*NRC Project Director:* John W. Craig

**Indiana Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Units Nos. 1 and 2, Berrien County, Michigan**

*Date of amendments request:* January 12, 1989

*Description of amendments request:* Technical Specification Table 3.3-3 (Engineering Safety Features Actuation System Instrumentation) would be modified so that it more accurately reflects the actuation signals for the auxiliary feedwater system on a loss of 4kv bus voltage.

*Basis for proposed no significant hazards consideration determination:* 10 CFR 50.92 states that a proposed amendment will not involve a significant hazards consideration if the proposed amendment does not:

- (i) Involve a significant increase in the probability or consequences of an accident previously evaluated; or
- (ii) Create the possibility of a new or different kind of accident from any accident previously evaluated; or
- (iii) Involve a significant reduction in a margin of safety.

The license has evaluated the proposed amendment against the standards of 10 CFR 50.92, and has determined the following:

1. The changes do not involve a significant increase in the probability or consequences of an accident previously evaluated. The changes are intended to clarify and correct the existing T/S so that it more accurately reflects the actuation signal for motor driven auxiliary feedwater flow in the event of a loss of voltage on the safety busses. No operability or surveillance requirements have been reduced. Therefore, we believe the changes do not involve a significant increase in the probability or consequences of an accident previously analyzed.

2. The changes do not create the possibility of a new or different kind of accident from any accident previously evaluated. The changes do not involve physical modifications to the plant or changes in plant operation. Therefore, the changes should not create the possibility of a new or different kind of accident from any previously analyzed or evaluated.

3. The proposed changes do not involve a significant reduction in a margin of safety. As stated in response to criterion 1, no operability or surveillance requirements are reduced by the proposed changes. Therefore, the changes do not represent a significant reduction in a margin of safety.

In the March 6, 1986 Federal Register (51 FR 7751), the NRC published a list of examples of license amendments that are not likely to involve a significant hazards consideration. One of the examples is: A purely administrative change to technical specifications, e.g., a change to achieve a consistency throughout the technical specifications, correction of an error, or a change in nomenclature. The proposed change is similar to this example inasmuch as the proposed changes would clarify and correct errors in the existing technical specifications.

The staff has reviewed the licensee's no significant hazards analysis and concurs with the licensee's conclusions. Therefore, the staff proposes to determine that the requested changes do not involve a significant hazards consideration.

*Local Public Document Room location:* Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

*Attorney for licensee:* Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

*NRC Project Director:* John O. Thoma, Acting.

**Indiana Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Units Nos. 1 and 2, Berrien County, Michigan**

*Date of amendments request:* February 6, 1989 and supplemented on November 10, 1989

*Description of amendments request:* The licensee proposes to modify fire protection technical specifications (TS) for Unit 1 and Unit 2 as summarized herein.

The first change (change category [A]) would delete the requirement to make a special report to the NRC if the required fire detection systems, fire suppression systems, or fire rated assemblies are not restored to operable status within the specified time. In addition, a statement is added to the Bases which states that compensatory actions should not be relied on for an extended period of time and that action to restore the required fire protection equipment to operable status will be taken within a reasonable amount of time.

Change Category B involves modifying the action statement associated with (1) fire detection



instrumentation, (2) spray and/or sprinkler systems, (3) low pressure CO<sub>2</sub> systems, (4) holon systems, (5) fire hose stations and (6) fire rated assemblies, to provide alternatives for complying with the action statement other than establishing a fire watch (e.g., reliance on sprinkler systems when detection instrumentation is inoperable and vice versa).

Editorial changes (referred to collectively as change C) are proposed to clarify the TS requirements and improve their wording.

Change D incorporates requirements currently not included in the TS or makes existing requirements more restrictive.

Change E allows 50% of the detectors on a single circuit to be inoperable before declaring the detection circuit inoperable rather than the 25% allowed by current TS. The 50% value is consistent with standard TS.

Change Category F deletes the detection systems associated with the charcoal filter units 1-HV-CFT 1 and 2. These detection systems are not taken credit for in any Appendix R boundary evaluations or exemption requests. The filter units are not included elsewhere on the TS.

Change Category G modifies surveillance requirement 4.7.9.2.b.2 by deleting the inspection of piping supervised by air.

Change Category H revises Table 3.7-6 to convert several low pressure carbon dioxide systems from automatic to manual operation.

Change Category I allows the use of a liquid level meter to confirm the full capacity of the halon storage tank.

Change Category J modifies an existing surveillance requirement for fire suppression system flow testing. Instead of referencing the NFPA Fire Protection Handbook, which verifies the flow rate through the system but does not require confirmation of flow through all segments of the system; the surveillance requirement would require the verification of flow in individual segments.

Change Category K would allow the fire pump diesel engine inspection to be performed during plant operation. Only one of the four fire pumps (shared between the two units) would be rendered inoperable during the inspection period.

Change Category L modifies the surveillance requirement to require inspection of an additional 10% of each type of seal when changes on appearance or abnormal degradation are found in the initial sample only if there is an indication of a plant-wide trend.

Change Category M proposes to allow an air flow test as an alternative to the CO<sub>2</sub> puff test.

Change Category N adds a footnote to Table 3.7-6 stating that the control room cable vault CO<sub>2</sub> system is only required to be operable when the control room cable vault halon system is inoperable.

Change Category O deletes the requirement that the fire pump diesel test be performed on recirculation flow.

*Basis for proposed no significant hazards consideration determination:* In their submittal the licensee addressed why the amendment would involve no significant hazards consideration. Per 10 CFR 50.92, a proposed amendment will involve no significant hazards consideration if the amendment does not:

(1) involve a significant increase in the probability or consequences of an accident previously analyzed.

(2) create the possibility of a new or different kind of accident from an accident previously analyzed or evaluated, or

(3) involve a significant reduction in a margin of safety.

The licensee's basis and the staff's conclusions regarding the no significant hazards consideration determination for each of the proposed changes are paraphrased and summarized below.

#### *Change A*

Deletion of the special reporting requirements (Change Category A) will not affect the actions taken or the time required to restore the inoperable equipment to operable status. In addition, the proposed change will not result in a change in plant configuration or operation and will not place the plant in an unanalyzed condition. Thus, the staff concurs with the licensee's determination that the criteria of 10 CFR 50.92 is satisfied.

#### *Change B*

The alternatives provided in the modified action statements proposed in Change Category B will provide adequate fire protection and assurance that a condition will not be created which will prevent safe shutdown during a fire scenario. In addition, the proposed changes will not result in a change in plant configuration and will maintain adequate fire protection for the affected areas. Thus, the staff concurs with the licensee's determination that the criteria of 10 CFR 50.92 is satisfied.

#### *Change C*

Change C is purely editorial in nature and will not reduce the requirements or commitments contained in the existing TS. The staff concurs with the licensee's determination that the criteria of 10 CFR 50.92 is satisfied.

#### *Change D*

Change D makes the TS more restrictive. The licensee has determined that the proposed changes will not significantly increase the probability or consequences of an accident previously evaluated, create the possibility of a new or different kind of accident, or significantly reduce a margin of safety. The staff concurs with the licensee's determination that the criteria of 10 CFR 50.92 is satisfied.

#### *Change E*

Change E does not significantly increase the probability of an accident previously analyzed and is consistent with standard TS. In addition, the proposed changes will not result in a change in plant configuration and will maintain adequate fire protection for the affected areas. Thus, the staff concurs with the licensee's determination that the criteria of 10 CFR 50.92 is satisfied.

#### *Change F*

The detection systems being deleted in Change F are not taken credit for in the Appendix R boundary evaluations or exemption requests and there are no TS requiring operability of the filter units protected by these systems. In addition, the proposed changes will not result in a change in plant configuration and will maintain adequate fire protection for the plant. The staff concurs with the licensee's determination that the criteria of 10 CFR 50.92 is satisfied.

#### *Change G*

The licensee states that inspection of piping supervised by air is unnecessary and provides no benefit; therefore, Change G, which would eliminate this inspection requirement, does not result in an increase in the probability or consequences of an accident previously analyzed. In addition, the proposed change will not result in a change in plant configuration or operation and will not place the plant in an unanalyzed condition. The staff concurs with the licensee's determination that the criteria of 10 CFR 50.92 is satisfied.

#### *Change H*

The subject systems described in Change H are not required by Appendix R to be automatic and their conversion to manual will have no impact on the original analyses. The staff concurs with the licensee's determination that the criteria of 10 CFR 50.92 is satisfied.

#### *Change I*

The method of measuring the fill capacity of the halon storage tank, proposed in change I, has been found acceptable by the National Fire Protection Association and is essentially equivalent to measuring the full charge rate. The proposed change will not result in a change in plant configuration or operation and will not place the plant



in an unanalyzed condition. The staff concurs with the licensee's determination that the criteria of 10 CFR 50.92 is satisfied.

#### Change J

Change J will enhance the ability to meet the intent of the existing TS requirements. The proposed change will not result in a change in plant configuration or operation. The staff concurs with the licensee's determination that the criteria of 10 CFR 50.92 is satisfied.

#### Change K

Change K is deemed acceptable by the licensee on the basis that adequate fire protection can be maintained by the remaining operable fire pumps while one of the diesel driven pumps is inoperable for testing. The staff concurs with the licensee's determination that the criteria of 10 CFR 50.92 is satisfied.

#### Change L

The licensee's basis for Change L acceptability is that testing additional seals when the discovered degradation has apparently been caused by circumstances restricted to one particular seal provides no apparent benefit. The licensee plans to continue testing additional seals when the degradation appears to have been caused by circumstances which would produce similar problems in other seals. The staff concurs with the licensee's determination that the criteria of 10 CFR 50.92 is satisfied.

#### Change M

According to the licensee, the airflow test proposed by Change M is a safer method of testing the carbon dioxide nozzles and is equivalent to the existing TS test from the standpoint of meeting the intent of the TS requirement. Furthermore, the proposed change will not result in a change in plant configuration or operation and will not place the plant in an unanalyzed condition. The staff concurs with the licensee's determination that the criteria of 10 CFR 50.92 is satisfied.

#### Change N

The licensee supports that the primary suppression system (halon system) and the detection system provide adequate fire protection for the control room vault area. The carbon dioxide system is intended as a backup to the halon system and need only be required operable when the halon system is inoperable. The staff concurs with the licensee's determination that the criteria of 10 CFR 50.92 is satisfied.

#### Change O

The licensee states that the proposed change eliminates an unnecessary restriction. The flow path used in conducting the subject test has no impact on the test results and the intent

of the surveillance test can, therefore, be met without requiring that a particular flow path be used. The staff concurs with the licensee's determination that the criteria of 10 CFR 50.92 is satisfied.

**Local Public Document Room**  
location: Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

**Attorney for licensee:** Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

**NRC Project Director:** John O. Thoma, Acting.

**Long Island Lighting Company, Docket No. 50-322, Shoreham Nuclear Power Station, Suffolk County, New York**

**Date of amendment request:** July 13, 1989

**Description of amendment request:** To delete the phrase "... and shall be approved by the Plant Manager..." in Technical Specification 6.8.2.

**Basis for proposed no significant hazards consideration determination:** The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined and the staff agrees that the proposed change does not involve a significant hazards consideration because operation of Shoreham Nuclear Power Station - Unit 1, in accordance with this change, would not:

(1) Involve a significant increase in the probability or consequence of an accident previously evaluated. The change is not related to any accident analysis and does not affect the function or operation of any plant system or equipment.

(2) Create the possibility of an accident that is different than any already evaluated in the USAR. No physical alteration of plant configuration or changes to setpoints or operating parameters are proposed. The changes do not affect the function or operation of any plant system or equipment.

(3) Involve a significant reduction in the margin of safety. The reassignment of responsibilities for procedure approvals is administrative in nature and is unrelated to any margin of safety as defined in the bases for any technical specification.

**Local Public Document Room**  
location: Shoreham-Wading River Public

Library, Route 25A, Shoreham, New York 11786-9697

**Attorney for licensee:** W. Taylor Reveley, III, Esq., Hunton and Williams, P. O. Box 1535, Richmond, Virginia 23212

**NRC Project Director:** Walter R. Butler

**Louisiana Power and Light Company, Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana**

**Date of amendment request:** October 16, 1989

**Description of amendment request:** The proposed amendment would correct typographical mistakes and inadvertent errors in the Technical Specifications including the administrative section. Except for the correction of mistakes and errors, the proposed amendment would make no other changes.

**Basis for proposed no significant hazards consideration determination:** The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The proposed amendment would make three changes. The reactor vessel surveillance capsule names in Table 4.4-5 would be changed to agree with the source document from the vendor. A reference to a fire brigade remains in a note to 6.2.2 even though the fire brigade and related Technical Specification were removed to the Final Updated Safety Analysis Report. A reference in Section 6.8.1.h should correctly point to the corresponding paragraph labeled "e" under 6.2.2. The licensee has made the following findings.

The proposed changes correct typographical and administrative errors. None of the changes affect any plant hardware, plant design, safety limit settings, or plant system operation; and therefore, they do not modify or add any initiating parameters that significantly increase the probability or consequences of any previously analysed accident. The proposal does not affect any equipment, nor does it involve any potential initiating events that could create any new or different kind of accident. As such, the plant initial conditions utilized for the design basis accident analyses remain valid. Therefore, the



proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The plant safety margins come from limiting conditions for operation, limiting safety system setting, and safety limits presently given in the technical specifications. The proposal only involves changing overtime and fire brigade cross-references along with a nomenclature change. Therefore, the proposed change will not involve a significant reduction in a margin of safety.

The staff has reviewed the licensee's findings and agree. Therefore, based on the above, the staff proposes to determine that the changes do not involve a significant hazards consideration.

**Local Public Document Room**

**Location:** University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122

**Attorney for licensee:** Bruce W. Churchill, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N St., NW., Washington, DC 20037

**NRC Project Director:** Frederick J. Hebdon

**Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska**

**Date of amendment request:** July 31, 1989

**Description of amendment request:**

The proposed change would revise the Cooper Nuclear Station (CNS) Technical Specifications Section 6, "Administrative Controls." In particular, this proposed change involves the Station Operations Review Committee (SORC), changes to various job position titles throughout Section 6, and adding a requirement to have a Shift Technical Advisor (STA) available to the operating crew shift during certain periods of plant operation.

**Basis for proposed no significant hazards consideration determination:** In accordance with the requirements of 10 CFR 50.92, the licensee has submitted the following no significant hazards determination:

The enclosed Technical Specification change is judged to involve no significant hazards based on the following:

1. Does the proposed license amendment involve a significant increase in the probability or consequences of any accident previously evaluated?

**Evaluation:**

1. The proposed change involves revising the format of the membership for the on-site review committee as described in the Administrative Controls Section of the plant's Technical Specifications. The proposed change will provide sufficient requirements on Committee membership to ensure its continuing effectiveness in performing review and audits of station operations.

The proposed change does not involve any material or procedural change to the plant and does not involve a significant increase in the probability or consequences of any previously evaluated accident.

2. The proposed change involves incorporating requirements for the availability and qualifications of the Shift Technical Advisor (STA) into the Station Technical Specifications and does not involve any material or procedural change to the plant that would affect the probability of any previously evaluated accident. The STA is to provide engineering expertise and advice to the operating crew regarding plant response to accidents and transients and, thus, provide assistance in mitigating the consequences of any accident previously evaluated.

3. The proposed change revises several job position titles and adds the designation of two senior manager level positions as the primary alternates for the Division Manager of Nuclear Operations. The changes are administrative in nature, will not decrease the organizational effectiveness, and do not affect plant operation or structures. The proposed change does not affect plant operation or structures and do not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

**Evaluation:**

1. The proposed change involves revising the format of the membership for the on-site review committee as described in the Administrative Controls Section of the plant's Technical Specifications. It does not introduce any new equipment or mode of plant operation that could create the possibility of a new or different kind of accident from any accident previously evaluated.

2. The proposed change involves incorporating requirements for the availability and qualifications of the Shift Technical Advisor into the Station Technical Specifications. It does not involve any material or operational procedural change and does not create any new mode of plant operation. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change revises several job position titles and adds the designation of two senior manager level positions as the primary alternates for the Division Manager of Nuclear Operations. These changes are administrative in nature, will not decrease the organizational effectiveness, and do not affect plant operation or structures. The proposed change does not create the possibility of a new or different kind of accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in the margin of safety?

**Evaluation:**

1. The proposed change involves revising the format of the membership for the on-site review committee as described in the Administrative Controls Section of the plant's

Technical Specifications. It does not involve a change in any system operating or protective setpoint nor does it change the intended function of any system or component. The proposed change does not involve a significant reduction in the margin of safety.

2. The proposed change involves incorporating requirements for the availability and qualifications of the Shift Technical Advisor into the Station Technical Specifications. It does not change the intended function of any system or component and does not involve a change in any system operating or protective setpoint. The change involves incorporating additional requirements into the Technical Specifications and does not involve a significant increase in the margin of safety.

3. The proposed change revises several job position titles and adds the designation of two senior manager level positions as the primary alternates for the Division Manager of Nuclear Operations. The changes are administrative in nature and do not involve any change in system function and operating or protective setpoints. The change does not involve a significant reduction in the margin of safety.

Based on the previous discussion, the licensee concluded that the proposed amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated; nor create the possibility of a new or different kind of accident from any accident previously evaluated; nor involve a significant reduction in the required margin of safety. The NRC staff has reviewed the licensee's no significant hazards considerations determination and agrees with the licensee's analysis. The staff has, therefore, made a proposed determination that the licensee's request does not involve a significant hazards consideration.

**Local Public Document Room**

**Location:** Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

**Attorney for licensee:** Mr. G.D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68601.

**NRC Project Director:** Frederick J. Hebdon

**Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska**

**Date of amendment request:** August 31, 1989

**Description of amendment request:**

The proposed change to the Technical Specifications would revise the setpoint tolerance on the Low-Low Set Safety/Relief Valve pressure switches, revise the format and location of the Low-Low Set specifications to be equivalent to the Standard Technical Specifications, and



correct typographical errors in instrument I.D. numbers.

There are three specific changes proposed as follows:

(a) TS 3.7.A.6 add Low-Low Set (LLS) Technical Specifications (TS) equivalent to the Standard Technical Specifications and delete LLS TS on Table 3.2.B (page 7).

(b) Revise the setpoint tolerance on the Low-Low Set Safety/Relief (S/RV) Valve pressure switches from 2710 psig to 2720 psig.

(c) Table 3.2.B (pages 1 and 2), revise typographical errors in instrument I.D. numbers.

*Basis for proposed no significant hazards consideration determination:* In accordance with the requirements of 10 CFR 50.92, the licensee has submitted the following no significant hazards determination:

1. Does the proposed License Amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

*Evaluation*

a. The first proposed change would delete the LLS setpoints on Table 3.2.b (page 7) and add LLS Technical Specifications equivalent to the Standard Technical Specifications in Sections 3.7.A.6 and 4.7.A.6. The current LLS Technical Specifications contain the correct setpoints, but there are no action statements which are directly applicable to the Low-Low Set function of the S/RVs. The setpoints will remain the same and the setpoint tolerance will change as proposed in Change b. below. Also, Action Statements equivalent to the Standard Technical Specifications will be added. The surveillances are currently conducted, and the testing requirements will remain, in Specification 4.2.B and Table 4.2.B. However, the title of Table 4.2.B will be corrected to reflect both ADS and LLS testing requirements.

This change has no effect on the probability or consequences of any accident, since the change is primarily editorial in that it relocates the LLS specifications from Section 3.2 to Section 3.7.A.6 and 4.7.A.6. In addition, this change adds specific LLS Action Statements, equivalent to those approved by the NRC in the Standard Technical Specifications, where previously no specific requirements existed.

b. The second proposed change is to revise the setpoint tolerance on the pressure switches (NBI-PS-51A-D) controlling the Low-Low Set (LLS) relief function of the safety/relief valves in the Cooper Nuclear Station Technical Specifications. The current setpoint tolerance on NBI-PS-51 A, B, C and D is 2710 psig. The District proposes to change this tolerance to 2720 psig.

The safety function of the Low-Low Set (LLS) Relief Logic is to reduce the number of (and increase the time between) subsequent safety/relief valve (S/RV) actuations, following the initial pressure peak during an operational transient or accident, to reduce the thrust loads on the torus and S/RV discharge piping. The LLS modification was necessary to restore the safety margin for the

structural integrity of the torus and S/RV discharge piping. By reducing the number of subsequent S/RV actuations, and increasing the minimum time between actuations, the loads are reduced to within the design margin. The LLS relief function of the S/RVs accomplishes its safety function by lowering the opening and closing setpoints of the two non-ADS S/RVs with the lowest setpoints and increasing the range between the opening and closing setpoints of the two valves. This function is armed once any S/RV opens and the high reactor pressure scram setpoint (1045 psig) is exceeded. The increased blowdown range allows the release of more energy from the vessel per each blowdown and allows time for the water leg in the S/RV discharge piping to clear. This increases the time for reactor pressure to increase back to the LLS setpoint, reducing, or in some cases eliminating subsequent actuations.

The analytical limits on the setpoints for the Cooper Nuclear Station Low-Low Set S/RV function were established in NEDE-22197 (Reference 1). The opening setpoint is required to be less than or equal to 1050 psig, the closing setpoint is required to be greater than or equal to 825 psig and the blowdown range is required to be greater than or equal to 90 psig (modified from 100 psig stated in NEDE-22197 by a letter from General Electric dated April 20, 1983, Reference 2). The 1050 psig upper limit is set to ensure that the LLS S/RVs do control subsequent blowdowns. This means that the opening setpoint must be below the lowest normal S/RV setpoints (1080/2711 psig) by enough margin that the LLS valves will be the ones that open on subsequent actuations, even accounting for maximum drift of the setpoint instruments on both valves. The closing setpoint limit is greater than or equal to 825 psig, to ensure that the LLS S/RVs close before the Main Steam Isolation Valve (MSIV) trip occurs on low pressure (reference CNS Technical Specification 2.1.A.6). The purpose of the lower limit is to ensure that LLS does not inadvertently cause an MSIV isolation. The analytical limit on the blowdown range must be set such that there will be at least 5 seconds between subsequent S/RV actuations, to allow the water leg in the S/RV discharge piping to clear. In NEDE-22197 (Reference 1), the calculated time between subsequent S/RV actuations for Cooper Nuclear Station, assuming a 100 psig blowdown range, was approximately 34 seconds, assuming failure of the LLS S/RV with the lowest opening setpoint (worst single failure). General Electric also concluded that the actual blowdown range at CNS of 90 psig would result in approximately 30 seconds minimum time between S/RV actuations (reference GE letters dated April 20, 1983, and April 4, 1989, References 2 and 3). Thus, the 90 psig blowdown installed at CNS provides significant margin over the minimum of a 5 second water leg clearing time.

The actual opening setpoints for the CNS LLS S/RVs are 1025 psig and 1015 psig. It can be seen that, if the highest set LLS valve drifts +20 psig (1025 + 20 = 1045 psig) and the lowest set normal S/RV drifts down by the Technical Specification allowed tolerance

of -11 psig (1080 - 11 = 1069 psig), the LLS valve will control subsequent S/RV actuations, with significant margin, and the LLS S/RV will perform its intended safety function. Also, the actual closing setpoint for both LLS valves is 875 psig. If either valve were to drift -20 (875 - 20 = 855 psig), the main steamline isolation valve low pressure trip instrument could drift up by +20 psig (825 + 20 = 845 psig) and the LLS valve closure would still occur before MSIV isolation on low pressure. The opening and closing setpoints 1025 psig and 875 psig and 1015 psig 875 psig are also set such that a minimum of 90 psig blowdown is assured assuming a 20 psig drift of both instruments in the worst case directions (1025 - 20 = 1005 psig; 1015 - 20 = 995 psig, and 875 + 20 = 895 psig). Thus, provided neither valve exceeds the maximum opening setpoint, or drifts below the minimum closing setpoint, and provided the opening and closing setpoints are at least 90 psig apart, LLS will fulfill its safety function. As has been shown, the setpoints for the CNS LLS S/RVs were established to accommodate a setpoint tolerance of 2720 psig.

This change is also consistent with the Standard Technical Specifications. Therefore, with the limits specified in this proposed change, the LLS function of the S/RVs will perform its safety function and will not increase the probability or consequences of any accident.

c. The third proposed change revises typographical errors in Technical Specification Table 3.2.B (pages 1 and 2). During the 1988 refueling outage, the two dual element pressure switches, NBI-PS-52A and C were replaced with four single element switches, NBI-PS-52 A1, A2, C1 and C2. The A1 and C1 contacts provide a closing signal to the Reactor Recirculation discharge valves between 185 and 235 psig and the A2 and C2 contacts provide a pressure permissive to the Core Spray and Low Pressure Coolant Injection (LPCI) injection valves at less than or equal to 450 psig.

Technical Specification Change No. 50 was submitted to the NRC to reflect the change in Instrument I.D. numbers on Table 3.2.B and was approved as License Amendment No. 121. However, typographical errors were introduced into Table 3.2.B in Change No. 50 that are being corrected in this proposed Change. In particular, NBI-PS-52 A1, A2, C1 and C2 will be changed to NBI-PS-52 A2 and C2 on page 53 and 54 of the CNS Technical Specifications and NBI-PS-52 A and C on page 54 is changed to NBI-PS-52 A1 and C1.

Since this proposed change only corrects typographical errors in Instrument I.D. Numbers, it does not increase the probability or consequences of any accident previously evaluated.

2. Does the proposed License Amendment create the possibility for a new or different kind of accident from any accident previously evaluated?

*Evaluation*

a. The first proposed change deletes the LLS setpoints in Table 3.2.B and adds LLS specifications, equivalent to the Standard Technical Specifications (STS), in Sections 3.7.A.6 and 4.7.A.6. This change provides



action statements which identify specific actions to be taken upon loss of one or both LLS S/RV valves. The current CNS Technical Specifications do not contain any specific action statements directly applicable to the LLS S/RV logic.

There are no changes to the LLS S/RV setpoints or the hardware associated with the LLS logic. This change does incorporate the change in setpoint tolerance which is described, evaluated and justified in b. below.

Since this change moves the LLS Technical Specification from TS 3.2.B to 3.7.A.6/4.7.A.6, adds STS Action Statements and incorporates the changes in setpoint tolerance justified in b. below, this change cannot create any new or different kind of accident.

b. The second proposed change, from a 2710 psig tolerance to 2720 psig tolerance on the LLS S/RV opening and closing setpoints, cannot create any new or different kind of accident. The Low-Low Set Relief Function of the S/RVs is designed to mitigate thrust loads on the torus and S/RV discharge piping due to subsequent S/RV actuations. The thrust loads occur when there is not enough time between the subsequent S/RV actuations to allow the water leg to clear. The water leg is caused by water being drawn up into the S/RV discharge piping and condensation of steam remaining in the discharge piping following a blowdown. The design requirement for the LLS function of the S/RVs at Cooper Nuclear Station is that there must be at least 5 seconds between subsequent S/RV actuations.

The LLS S/RV setpoints were established to accommodate a tolerance of at least 2720 psig. It has been shown by analysis (Reference 1, 2 and 3) that the LLS S/RVs will perform their safety function with the setpoints drifted to the maximum analytical limits in any of the three possible instrument drift scenarios. The three scenarios being the opening setpoint drifts high, the closing setpoint drifts low or the opening and closing setpoint on one valve drift too close together. The maximum analytical opening setpoint is 1050 psig, the minimum analytical closing setpoints is 825 psig and the minimum analytical blowdown range is 90 psig. With a 20 psig drift of each opening and closing setpoint in the most disadvantageous directions, the analytical limits are not exceeded. Therefore, revising the setpoint tolerance from 2710 psig to 2720 psig will not exceed the allowed analytical limits for the system, and therefore, ensures the safety function of LLS.

The LLS S/RV function has been analyzed on both a generic and a CNS plant specific basis (NEDE-22223 and NEDE-22197, respectively). Also, the NRC has accepted the LLS design both generically and for CNS (April 26, 1983, Letter D. B. Vassallo to H. C. Pfefferlen and License Amendment No. 83 with LLS Safety Evaluation Report, respectively). It has, therefore, been previously shown that the LLS S/RV function will mitigate thrust loads on the torus and S/RV discharge piping, without creating any new kind of accident.

Therefore, the only function of the LLS logic is to mitigate the consequences of

previously analyzed accidents and transients. The CNS LLS design has been previously accepted to fulfill the required mitigation function. It has been shown that, with the S/RV setpoints drifted by 2720 psig, the analytical limits are not exceeded and the LLS logic provides the intended safety function. Therefore, this change cannot create any new or different kind of accident.

c. Change number three is a purely editorial change which corrects typographical errors in the Instrument I.D. numbers of the reactor low pressure switches in Table 3.2.B. The plant configuration is as described in License Amendment No. 121; this change only corrects typographical errors in the Technical Specification table. Since this change does not involve any hardware changes, no new or different kind of accident can be created.

3. Does the proposed License Amendment involve a significant reduction in a margin of safety?

#### Evaluation

a. The first proposed change adds LLS specific specifications to the CNS Technical Specifications. This change includes adding specific Action Statements and maintaining the current opening and closing setpoints. The proposed revision to the setpoint tolerance described in b. below is also incorporated.

This proposed change adds specifications which are equivalent to the Standard Technical Specifications. This change has no effect on the margin of safety, since it does not affect the setpoints of the LLS S/RVs, the blowdown range or the surveillance testing performed. The only changes are the format and location within the CNS Technical Specifications (TS) and adding specific Action Statements, which clarify the CNS TS.

This change, therefore, does not reduce the margin of safety.

b. The change from a 2710 psig tolerance on each setpoint to 2720 psig tolerance does propose to relax a requirement which could affect the ability of the LLS logic to perform its safety function. However, the current 2710 psig tolerance is very conservative. The setpoints were established to accommodate at least a 2720 psig tolerance. With the opening and closing setpoints drifted to the analytical limits (which exceed a 20 psig drifts), the calculated time between subsequent S/RV actuations (assuming the worst case single failure of one of the two LLS S/RVs) is approximately 30 seconds. The calculated time required for the water leg to clear is 5 seconds. Thus, with a 2720 psig tolerance, the margin provided for the LLS logic to perform its safety function is clearly adequate and is conservative. Note that the opening setpoints of 1025 and 1015 psig on the high and low valve, respectively, provide a minimum tolerance of 25 psig on the high valve to the analytical maximum opening setpoints of 1050 psig. Also, the closing setpoint of 875 psig provides a 50 psig tolerance to the analytical lower limit of 825 psig. Also, the opening and closing setpoints are set far enough apart such that both setpoints can drift together by 25 psig each and the required 90 psig blowdown range is maintained.

The relaxation of the tolerance on the setpoints, therefore, does not actually affect

the margin of safety of the LLS logic, unless the tolerance is increased beyond the analytical limits. Therefore, the increase in the tolerance to 2720 psig does not reduce the margin of safety.

The Standard Technical Specifications provide an opening setpoint with a 20 psig allowable tolerance for both LLS S/RVs. The proposed 2720 psig tolerance at CNS meets this same requirement. In addition to the fact that this proposed change has no impact on safety margin, it meets the practical consideration of setting a reasonable and achievable setpoint tolerance. The pressure switches that control the LLS S/RVs must be effective over the entire design pressure range of the reactor coolant pressure boundary (0 - 1528 psig). Since a good pressure switch would be expected to have an accuracy of 271% of the upper range limit, it is clear that a tolerance of 2710 psig is not practically achievable.

Based on the above, the relaxation of the setpoint tolerance for the LLS S/RV setpoints is not considered to reduce the margin of safety.

c. The proposed change to correct typographical errors in Table 3.2.B clearly does not reduce any margin of safety. This change only corrects the Instrument I.D. numbers and does not affect any hardware, operation or testing of any plant equipment.

Based on the previous discussion, the licensee concluded that the proposed amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated; nor create the possibility of a new or different kind of accident from any accident previously evaluated; nor involve a significant reduction in the required margin of safety. The NRC staff has reviewed the licensee's no significant hazards considerations determination and agrees with the licensee's analysis. The staff has, therefore, made a proposed determination that the licensee's request does not involve a significant hazards consideration.

*Local Public Document Room*  
location: Auburn Public Library, 118  
15th Street, Auburn, Nebraska 68305.

*Attorney for licensee:* Mr. G.D.  
Watson, Nebraska Public Power  
District, Post Office Box 499, Columbus,  
Nebraska 68601.

*NRC Project Director:* Frederick J.  
Hebbon

*Northeast Nuclear Energy Company, et  
al., Docket No. 50-423, Millstone Nuclear  
Power Station, Unit No. 3, New London  
County, Connecticut*

*Dates of amendment requests:*  
October 17 and October 19, 1989

*Description of amendment request:*  
The proposed amendment would modify  
the Technical Specifications (TS) as  
follows: (1) TS 4.3.1.2, "Reactor Trip  
System Instrumentation" and TS 4.3.2.2,



"Engineered Safety Features Actuation System Instrumentation" would be changed to require testing of input relays as part of the response time testing program, and (2) TS Table 4.3-2, "Engineered Safety Features Actuation System Instrumentation Surveillance Requirements" would be changed to clarify Loss-of-Offsite Power (LOOP) Test requirements.

**Basis for proposed no significant hazards consideration determination:** The purpose of response time testing is to assure that equipment which is credited in the safety analyses for preventing, or ameliorating, the consequences of accidents will respond within the time frame assumed in the safety analyses. At the present time, the instrumentation associated with the Reactor Trip System (RTS) and the Engineered Safety Features Actuation System (ESFAS) is response time tested under TS 4.3.1.2 and 4.3.2.2, respectively. One design feature that is common to the RTS and the ESFAS is the two trains of input relays which are actuated by sensors inside containment and subsequently actuate the RTS and ESFAS. The licensee has proposed a change to TS 4.3.1.2 and 4.3.2.2 to explicitly include testing of the input relays as part of the RTS and ESFAS response time testing programs.

The licensee has reviewed the proposed changes in accordance with the standards for "significant hazards considerations" in 10 CFR 50.92 with regard to their October 17, 1989 application. The licensee concluded, and the staff agrees, that the changes do not involve a significant hazards consideration in that these changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed. The changes provide assurance that the RTS and ESFAS will operate as assumed in the design basis analysis. Incorporation of both input breaker trains to channel response time testing requirements is consistent with current plant practices. For these reasons the change does not increase the probability or consequences of any event.
2. Create the possibility of a new or different kind of accident from that previously analyzed. The proposed changes do not have the potential to initiate any event nor are any plant operations altered by the proposed changes. No new failure modes are introduced. Thus, the changes do not have the potential to create a new or different kind of accident.
3. Involve a significant reduction in the margin of safety. The changes do not impact any of the protective boundaries, nor are the consequences of any event increased. There is no negative impact on any of the safety systems. Therefore, there is no reduction in the margin of safety.

Test intervals for the ESFAS are specified in TS Table 4.3-2. At the present time, LOOP testing associated with ESFAS instrumentation is addressed twice in TS Table 4.3-2 and is, in fact, the same requirement. Item 6.e is the LOOP actuation surveillance for the Auxiliary Feedwater (AFW) System while Item 8 is the LOOP actuation surveillance for all ESFAS instrumentation devices (including AFW). The licensee has proposed that Item 6.e of TS Table 4.3-2 be eliminated by referring to Item 8. In addition, the licensee has proposed the following clarifying note for the monthly LOOP test required by Item 8 of TS Table 4.3-2:

On a monthly basis an undervoltage condition will be initiated at the sensing device to verify the operability of the trip actuating device and verify that the associated logic and alarm relays operate.

The licensee has also reviewed the standards for "significant hazards considerations" contained in 10 CFR 50.92 with regard to their October 19, 1989 application. The licensee concluded, and the staff agrees, that the proposed changes do not involve significant hazards considerations in that these changes would not:

1. Involve a significant increase in the probability of occurrence or consequences of an accident previously analyzed. The change clarifies the test interval for the instrument channel and relay portion of the LOOP logic scheme and does not affect the present method of LOOP testing. Previously analyzed accidents are not affected. Without the proposed change, it is possible that some alternative interpretation of the test could have resulted in a temporary loss of undervoltage protection for the emergency bus. The proposed change eliminates the possibility of such an occurrence due to surveillance testing of the LOOP logic.
2. Create the possibility of a new or different kind of accident from any previously analyzed. Since there are no changes in the way the plant is operated, the potential for an unanalyzed accident is not created. No new failure modes are introduced. The proposed change has no effect on plant operation.
3. Involve a significant reduction in a margin of safety. Since the proposed change does not affect the consequences of any accident previously analyzed, there is no reduction in the margin of safety.

Based upon the above, the NRC staff proposes to determine that the proposed changes to the TS, identified in the licensee's October 17 and October 19, 1989 applications, involve no significant hazards considerations.

**Local Public Document Room location:** Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

**Attorney for licensee:** Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103-3499.

**NRC Project Director:** John F. Stolz

**Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska**

**Date of amendment request:** October 27, 1989

**Description of amendment request:** The proposed amendment to the Technical Specifications (TSs) is to provide the operability requirements, surveillance requirements, and the basis for the alternate and auxiliary alternate shutdown panels. These panels were provided outside of the control room for use in the event of an accident situation, like a fire, which renders the control room uninhabitable. These panels contain the necessary control equipment and instrumentation to allow the operators to safely bring the plant to hot shutdown condition and maintain that status until sufficient corrective measures can be taken to allow and maintain a cold shutdown. This Facility License Change (FLC) is being incorporated into the TSs as requested by the staff in a letter dated January 30, 1989.

**Basis for proposed no significant hazards consideration determination:** The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee provided an analysis that addressed the above three standards in the amendment application as follows:

This proposed change does not involve a significant hazards consideration because the operation of Fort Calhoun Station in accordance with this amendment would not:

1. Involve a significant increase in the probability or consequence of an accident previously evaluated. This change decreases the consequences and probability of accident/event escalation during the forced evacuation of the Control Room. Since the alternate and auxiliary alternate shutdown panels assumes a major protective function for plant control during the loss of the Control Room in a fire, this FLC is required to ensure continued operability of alternate and auxiliary alternate shutdown panels.
2. Create the possibility of a new or different kind of accident from any accident previously evaluated. It has been determined that a new or different type of accident is not



created because no new or different modes of operation are proposed for the plant. Additional surveillances provide a higher level of assurance that alternate and auxiliary alternate shutdown panels will function if required to do so.

3. Involve a significant reduction in the margin of safety. This change results in an increase in the margin of safety associated with alternate and auxiliary alternate shutdown panels and the Alternate Shutdown capability by assuring that the system will operate properly through surveillance tests, and applying Limiting Conditions for Operation to this system.

The NRC staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Accordingly, the Commission proposes to determine that the proposed amendment involves no significant hazards consideration.

**Local Public Document Room**

location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae, 1333 New Hampshire Avenue, NW., Washington, DC 20036

NRC Project Director: Frederick J. Hebdon

**Public Service Company of Colorado,**  
Docket No. 50-267, Fort St. Vrain  
Nuclear Generating Station, Weld  
County, Colorado

*Date of amendment request:*  
September 14, 1989

*Description of amendment request:*  
The proposed amendment would revise the Technical Specifications (TS) to remove fire protection requirements. This proposal would delete LCO 4.10 and SR 5.10. In addition, certain requirements would be deleted from AC7.1.1 and added to AC7.1.2 and AC7.4. Generic Letters 86-10, dated April 24, 1986, and 88-12, dated August 2, 1988, from the NRC provided guidance to licensees to request removal of the fire protection Technical Specifications. The licensee's proposed amendment is in response to these Generic Letters.

*Basis for proposed no significant hazards consideration determination:*  
The staff has evaluated this proposed amendment and determined that it involves no significant hazards considerations. According to 10 CFR 50.92(c), a proposed amendment to an operating license involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated; or

2. Create the possibility of a new or different kind of accident from any accident previously evaluated; or

3. Involve a significant reduction in a margin of safety. The proposed revision to the License Condition is in accordance with the guidance provided in Generic Letter 86-10 for licensees requesting removal of fire protection Technical Specifications. The incorporation of the NRC-approved Fire Protection Program, and the former TS requirements by reference to the procedures implementing these requirements, into the Final Safety Analysis Report (FSAR) and the use of the standard License Condition, on fire protection, will ensure that the Fire Protection Program, including the systems, the administrative and technical controls, the organization, and the other plant features associated with fire protection will be on a consistent status with other plant features described in the FSAR. Also, the provisions of 10 CFR 50.59 would then apply directly for changes the licensee desires to make in the Fire Protection Program. In this context, the determination of the involvement of an unreviewed safety question defined in 50.59(a)(2) would be made based on the "accident...previously evaluated" being the postulated fire in the fire hazards analysis for the fire area affected by the change. Hence, the proposed License Condition establishes an adequate basis for defining the scope of changes to the Fire Protection Program which can be made without prior Commission approval, i.e., without introduction of an unreviewed safety question. The revised License Condition or the removal of the existing TS requirements on fire protection does not create the possibility of a new or different kind of accident from those previously evaluated. They also do not involve a significant reduction in the margin of safety since the License Condition does not alter the requirement that an evaluation be performed for the identification of an unreviewed safety question for each proposed change to the Fire Protection Program. Consequently, the proposed License Condition or the removal of the fire protection requirements do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed modification of the Administrative Control Section 7 of the Technical Specifications includes the addition of Fire Protection Program implementation to the requirements for procedures and programs, that requires written procedures be established, implemented, and maintained covering this program. This section of the

Technical Specifications is also modified to include the review of the Fire Protection Program and implementing procedures and the submittal of recommended changes to the Plant Operations Review Committee (PORC). In this manner, the Fire Protection Program will be addressed by administrative control requirements that are consistent with other programs addressed by License Conditions. These changes are administrative in nature and do not impact the operation of the facility in a manner that involves significant hazards considerations.

The proposed amendment includes the removal of fire protection Technical Specifications in four areas: (1) fire detection systems, (2) fire suppression systems, (3) fire barriers, and (4) fire brigade staffing requirements. While it is recognized that a comprehensive Fire Protection Program is essential to plant safety, many details of this program that are currently addressed in Technical Specifications can be modified without affecting nuclear safety. With the removal of these requirements from the Technical Specifications, they have been incorporated into the Fire Protection Program implementing procedures. Hence, with the additions to the existing administrative control requirements that are applicable to the Fire Protection Program and the revised License Condition, there are suitable administrative controls to ensure that licensee initiated changes to these requirements, that have been removed from the Technical Specifications, will receive careful review by competent individuals. Again, these changes are administrative in nature and do not impact the operation of the facility in a manner that involves significant hazards considerations.

Based on the preceding assessment, the staff believes this proposed amendment involves no significant hazards considerations.

**Local Public Document Room**  
location: Greeley Public Library, City  
Complex Building, Greeley, Colorado

Attorney for licensee: J. K. Tarpey,  
Public Service Company Building, Room  
900, 550 15th Street, Denver, Colorado  
80202

NRC Project Director: Seymour H. Weiss

**System Energy Resources, Inc., et al.,**  
Docket No. 50-416, Grand Gulf Nuclear  
Station, Unit 1, Claiborne County,  
Mississippi

*Date of amendment request:*  
September 11, 1989

*Description of amendment request:*  
The amendment would change three



monitors to reflect planned organization changes: (1) The duties of the Chemistry/Radiation Control Superintendent would be divided between two new positions: Superintendent, Plant Chemistry and Superintendent, Radiation Control; (2) the position of Training Superintendent would be changed to a position of greater organizational authority and status, and (3) the position of Site Director, GGNS would be eliminated.

**Basis for proposed no significant hazards consideration determination:** The Commission has provided standards for determining whether a no significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has provided an analysis of no significant hazards considerations in its request for a license amendment. The licensee's analysis of the proposed amendment against the three standards in 10 CFR 50.92 is reproduced below.

1. No significant increase in the probability or consequences of an accident previously evaluated results from this change.

a. The replacement of the current position titles with new titles is administrative. The proposed change does not affect assumptions contained in plant safety analyses, the physical design or operation of the plant, nor are the TS that preserve safety analysis assumptions affected.

b. Therefore, there is no increase in the probability or consequences of previously analyzed accidents due to the proposed change.

2. This change would not create the possibility of a new or different kind of accident from any previously evaluated.

a. The proposed change is administrative. No physical alterations of plant configuration or changes to setpoints or operating parameters are proposed. The level of position qualifications are not reduced in TS.

b. Therefore, the possibility of a new or different kind of accident from any previously evaluated is not created.

3. This change would not involve a significant reduction in the margin of safety.

a. The change being proposed is administrative and does not relate to or modify the safety margins defined in and maintained by the TS. The change does not alter SERI's commitment to maintain a management structure that contributes to the safe operation and maintenance of the plant. No position qualifications are being reduced in the TS.

b. Therefore, this proposed change will not involve a significant reduction in the margin of safety.

The licensee has concluded that the proposed amendment meets the three standards in 10 CFR 50.92 and, therefore, involves no significant hazards consideration.

The NRC staff has made a preliminary review of the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Accordingly, the Commission proposes to determine that the requested amendment does not involve a significant hazards consideration.

**Local Public Document Room location:** Hinds Junior College, McLendon Library, Raymond, Mississippi 39154

**Attorney for licensee:** Nicholas S. Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street, NW., Washington, DC 20036

**NRC Project Director:** Elinor G. Adensam

**Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio**

**Date of amendment request:** September 10, 1987

**Description of amendment request:** The proposed amendment would revise the Davis-Besse Nuclear Power Station, Unit No. 1, Operating License, Appendix A Technical Specifications (TS). The proposed changes involve revising TS 4.0.3 and Bases Section 4.0.3 in accordance with NRC Generic Letter 87-09 to include a specific, acceptable time limit of 24 hours to complete an inadvertently missed surveillance before the provisions of the Action Requirements apply. The proposed amendment would also provide clarification of when a missed surveillance constitutes a violation of the operability requirement of a Limiting Condition for Operation.

**Basis for proposed no significant hazards consideration determination:**

The Commission has provided standards (10 CFR 50.92(c)) for determining whether a significant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3)

involve a significant reduction in a margin of safety.

In regard to the proposed amendment, the licensee has determined that the proposed changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated because the accident conditions and assumptions are not affected by the proposed Technical Specification changes. It is overly conservative to assume that systems/components are inoperable when the vast majority of surveillances demonstrate operability. By allowing up to 24 hours to perform a missed surveillance, unnecessary plant transients (required by Action Requirements), and consequently potential plant upsets that would lead to a demand for the system/component being tested, would be reduced. Thus, the probability of an accident previously evaluated in the USAR is actually expected to decrease. The proposed changes are also consistent with the guidance provided in Generic Letter 87-09.

2. Create the possibility of a new or different kind of accident from any previously evaluated because the Surveillance Requirements will still be performed at their desired frequencies. By allowing up to 24 hours to perform a missed surveillance, unnecessary plant transients (required by Action Requirements), and consequently potential plant upsets that would lead to a demand for the system/component being tested, would be reduced. Thus, the probability of an accident previously evaluated in the USAR is actually expected to decrease. The proposed changes are also consistent with the guidance provided in Generic Letter 87-09.

3. Involve a significant reduction in a margin of safety because the Surveillance Requirements will still be performed at their desired frequencies. By allowing up to 24 hours to perform a missed surveillance, unnecessary plant transients (required by Action Requirements), and consequently potential plant upsets that would lead to a demand for the system/component being tested, would be reduced. Thus, the probability of an accident previously evaluated in the USAR is actually expected to decrease. The proposed changes are also consistent with the guidance provided in Generic Letter 87-09.

The NRC staff has reviewed the licensee's determination related to no significant hazards consideration and concurs with its findings.

On this basis, the NRC Staff proposes to determine that the proposed amendment involves no significant hazards consideration.

**Local Public Document Room location:** University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

**Attorney for licensee:** Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

**NRC Project Director:** John N. Hannon



**Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin**

*Date of amendments request:* September 7, 1989

*Description of amendments request:* The proposed amendments would revise the Technical Specifications (TSs) to allow reduction of the frequency of turbine valve testing. An evaluation performed by Westinghouse Electric Corporation for the Westinghouse Owners Group Turbine Valve Test Frequency (TVTF) evaluation subgroup (WCAP-11525) provides justification for the proposed change. The second proposed revision will update the meteorological data requirements by removing the requirement of recording joint frequency distributions, specifying recording methods, and making some minor administrative changes.

*Basis for proposed no significant hazards consideration determination:* The Commission has provided standards (10 CFR 50.92(c)) for determining whether a significant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has evaluated the proposed changes against the above standards as required by 10 CFR 50.91(a) and has concluded that the proposed changes involve no significant hazards consideration. The Commission has reviewed the licensee's evaluation and agrees with it for the following reasons:

(1) The Commission has established acceptance criteria for the probability of turbine missile ejection event. The evaluation in WCAP-11525 for the Point Beach Nuclear Power Plants shows that the probability of a missile ejection event for turbine valve test intervals of up to one year is significantly less than the established acceptance criteria. The small change in the probability of generating a turbine missile as a result of longer turbine valve testing intervals does not represent a significant increase in the probability or consequences of an accident previously evaluated.

(2) The proposed amendments do not change the configuration or type of equipment associated with overspeed protection for the turbine. Decreasing the frequency of turbine valve testing does not result in a significant change in failure rate or change failure modes for the turbine valves. Therefore, the proposed amendments do not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) As noted in (1) above, this change to the Point Beach TSs will not result in a significant reduction in the margin of safety for turbine missile ejection. The probability of turbine missile ejection remains within the established acceptance criteria.

(4) Regarding the proposed changes to the Point Beach TSs concerning meteorological data recordkeeping requirements, these changes are administrative in nature and do not involve or impact any accidents or safety margins.

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazard exists by providing examples (51 FR 7751) of amendments that are considered not likely to involve a significant hazards consideration. The proposed administrative changes (Item 4) in these amendments are similar to the example of a purely administrative change to the TSs. On this basis, the Commission proposes to determine that the proposed changes to the TSs do not involve a significant hazards consideration.

*Local Public Document Room location:* Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

*Attorney for licensee:* Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

*NRC Project Director:* John N. Hannon.

#### **PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING**

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments

issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the *Federal Register* on the day and page cited. This notice does not extend the notice period of the original notice.

**Louisiana Power and Light Company, Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana**

*Date of amendment request:* October 5, 1989

*Brief description of amendment request:* The amendment would revise the Technical Specification (TS) on boron dilution and charging pumps - operating to permit changing plant operation from Mode 3 to Mode 2 by deborating the reactor coolant system.

*Date of publication of individual notice in Federal Register:* October 23, 1989 (54 FR 43219)

*Expiration date of individual notice:* Comment period expired November 7, 1989; Notice period expires November 22, 1989.

*Local Public Document Room Location:* University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122

**Vermont Yankee Nuclear Power Corporation, Docket No. 50-271, Vermont Yankee Nuclear Power Station, Vernon, Vermont**

*Date of amendment request:* October 16, 1989

*Description of amendment request:* The proposed amendment would change the Technical Specifications to reduce the frequency of fire watches, when required, from continuous to not less than once per hour in the cable vault or switchgear room.

*Date of publication of individual notice in Federal Register:* November 7, 1989 (54 FR 46785)

*Expiration date of individual notice:* December 7, 1989

*Local Public Document Room location:* Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301

#### **NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE**

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The



Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

**Carolina Power & Light Company, et al., Docket No. 50-324, Brunswick Steam Electric Plant, Unit 2, Brunswick County, North Carolina**

*Date of application for amendment:* June 9, 1989

*Brief description of amendment:* The amendment will change the minimum critical power ratio safety limit from 1.04 to 1.06. The change is necessary because a new fuel type (GE8x8NB) is being added to the core. The amendment will also specify the fuel types located in the core for the upcoming cycle. Fuel type GE8x8NB will be added and fuel types 8x8R and P8x8R will be deleted. Fuel type GE8 will be renamed as fuel type GE8x8EB.

*Date of issuance:* November 8, 1989

*Effective date:* November 8, 1989

*Amendment No.:* 168

**Facility Operating License No. DPR-62; Amendment revises the Technical Specifications.**

*Date of initial notice in Federal Register:* July 12, 1989 (54 FR 29401). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 8, 1989.

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297.

**Commonwealth Edison Company, Docket No. 50-254 & 50-265, Quad Cities Nuclear Power Station Units 1 and 2, Rock Island County, Illinois**

*Date of application for amendment:* August 3, 1989

*Brief description of amendment:* Reduce the number and decrease the setpoint of temperature switches which initiate system isolation for the High Pressure Coolant (HPCI) and Reactor Core Cooling (RCIC) systems.

*Date of issuance:* November 15, 1989

*Effective date:* November 15, 1989 for Unit 1 and April 15, 1990 for Unit 2

*Amendment No.:* 121 and 117

**Facility Operating License No. DPR-29 and DPR-30: Amendments revised the Technical Specifications.**

*Date of initial notice in Federal Register:* September 6, 1989 (54 FR 37043). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 15, 1989.

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021

**Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan**

*Date of application for amendment:* November 14, 1988

*Brief description of amendment:* This amendment revises the Technical Specifications by deleting the mass flow rate valves associated with the Steam Line Flow - High trip function for the Reactor Core Isolation Cooling (RCIC) system isolations and High Pressure Coolant Injection (HPCI) system isolation as listed in Table 3.3.2-2, Items 3.a.1 and 4.a.1.

*Date of Issuance:* November 14, 1989

*Effective date:* November 14, 1989

*Amendment No.:* 43

**Facility Operating License No. NPF-43. The amendment revises the Technical Specifications**

*Date of initial notice in Federal Register:* April 19, 1989 (54 FR 15827).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 14, 1989.

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

**Louisiana Power and Light Company, Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana**

*Date of amendment request:* October 5, 1989 as supplemented by letters dated October 23 and November 1, 1989.

*Brief description of amendment:* The amendment revised the Technical Specifications on boron dilution and charging pumps - operating to permit changing plant operation from Mode 3 to Mode 2 by deborating the reactor coolant system.

*Date of issuance:* November 14, 1989

*Effective date:* November 14, 1989

*Amendment No.:* 59

**Facility Operating License No. NPF-38. Amendment revised the Technical Specifications.**

*Public comments requested as to proposed no significant hazards consideration:* Yes (54 FR 43219 dated October 23, 1989). That notice provided an opportunity to submit comments on the Commission's proposed no significant hazards consideration determination. No comments have been received. The notice also provided for an opportunity to request a hearing by November 22, 1989, but indicated that if the Commission makes a final no significant hazards consideration determination any such hearing would take place after issuance of the amendment.

The October 23 and November 1, 1989 submittals provided additional clarifying information and did not change the finding of the initial notice.

The Commission's related evaluation, the exigent circumstances, and final no significant hazards consideration determination are contained in a Safety Evaluation dated November 14, 1989.

*Attorney for licensee:* Bruce W. Churchill, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N St., NW., Washington, DC 20037

*Local Public Document Room location:* University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.



**Northeast Nuclear Energy Company,**  
Docket No. 50-245, Millstone Nuclear  
Power Station, Unit No. 1, New London  
County, Connecticut

*Date of application for amendment:*  
July 31, 1989

*Brief description of amendment:* This change to the Technical Specifications adds four valves to the table of primary containment isolation valves to enable the use of a drywell pumpback system to maintain the required differential pressure between the drywell and the torus.

*Date of issuance:* November 7, 1989

*Effective date:* November 7, 1989

*Amendment No.:* 37

*Facility Operating License No. DPR-21.* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* September 6, 1989 (54 FR 37048). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 7, 1989

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

**Northeast Nuclear Energy Company,**  
Docket No. 50-245, Millstone Nuclear  
Power Station, Unit No. 1, New London  
County, Connecticut

*Date of application for amendment:*  
August 8, 1989

*Brief description of amendment:* The change to the Technical Specifications would add a new requirement to maintain an average water temperature of less than or equal to 75° F at the intake structure except when the reactor is in the cold shutdown or refueling condition.

*Date of issuance:* November 7, 1989

*Effective date:* November 7, 1989

*Amendment No.:* 38

*Facility Operating License No. DPR-21.* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* September 6, 1989 (54 FR 37049). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 7, 1989

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

**Northeast Nuclear Energy Company,**  
Docket No. 50-245, Millstone Nuclear  
Power Station, Unit No. 1, New London  
County, Connecticut

*Date of application for amendment:*  
July 25, 1989

*Brief description of amendment:* The change to the Technical Specifications would add the term "Source Check" to the surveillance requirement to correct discrepancies between TS Sections 4.8.A.1, 4.8.B.1 and their referenced tables, Tables 4.8-1 and 4.8-2.

*Date of issuance:* November 8, 1989

*Effective date:* November 8, 1989

*Amendment No.:* 39

*Facility Operating License No. DPR-21.* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* September 6, 1989 (54 FR 37048). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 8, 1989

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

**Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska**

*Date of amendment request:*  
September 8, 1989

*Brief description of amendment:* This amendment modified Table 3-3 in the Fort Calhoun Technical Specifications to correct an administrative error that was made when Amendment No. 32 was issued.

*Date of issuance:* November 6, 1989

*Effective date:* November 6, 1989

*Amendment No.:* 123

*Facility Operating License No. DPR-40.* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* October 4, 1989 (54 FR 40931). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 6, 1989

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

**Pennsylvania Power and Light Company, Docket No. 50-388**  
Susquehanna Steam Electric Station,  
Unit 2, Luzerne County, Pennsylvania

*Date of application for amendment:*  
June 16, 1989, as clarified by letter dated October 6, 1989

*Brief description of amendment:* Changed the Susquehanna Steam Electric Station, Unit 2 Technical Specifications in support of the fuel reload for Cycle 4 operation.

*Date of issuance:* November 3, 1989

*Effective date:* November 3, 1989

*Amendment No.:* 58

*Facility Operating License No. NPF-22.* This amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* July 26, 1989 (54 FR 31110). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 3, 1989.

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

**Pennsylvania Power and Light Company, Docket No. 50-388**  
Susquehanna Steam Electric Station,  
Unit 2, Luzerne County, Pennsylvania

*Date of application for amendment:*  
June 16, 1989

*Brief description of amendment:* Technical Specification changes cancelling changes previously approved in Amendment No. 49.

*Date of issuance:* November 3, 1989

*Effective date:* November 3, 1989

*Amendment No.:* 59

*Facility Operating License No. NPF-22.* This amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* July 26, 1989 (54 FR 31112). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 3, 1989.

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

**Portland General Electric Company, Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon**

*Date of application for amendment:*  
June 30, 1989

*Brief description of amendment:* The amendment revises Section 6.0 of the Technical Specifications to reflect a reorganization in the licensee's Nuclear Division.

*Date of issuance:* November 6, 1989

*Effective date:* November 6, 1989

*Amendment No.:* 155



*Facilities Operating License No. NPF-1:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* October 4, 1989 (54 FR 40933). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 6, 1989.

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* Portland State University Library, 731 S. W. Harrison St., Portland Oregon 97207

*Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York*

*Date of application for amendment:* May 31, 1989

*Brief description of amendment:* The amendment updates Table 4.7-2, "Exceptions to Type C Tests," to accurately reflect the as-built configuration of the plant, to correct several editorial errors, and improve the format of the table.

*Date of issuance:* November 14, 1989

*Effective date:* November 14, 1989

*Amendment No.:* 143

*Facility Operating License No. DPR-59:* Amendment revised the Technical Specification.

*Date of initial notice in Federal Register:* June 28, 1989 (54 FR 27236). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 14, 1989.

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* Penfield Library, State University College of Oswego, Oswego, New York.

*Public Service Company of Colorado, Docket No. 50-267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado*

*Date of amendment request:* July 14, 1989

*Brief description of amendment:* Revises and upgrades the Technical Specifications for Surveillance of Station Batteries.

*Date of issuance:* November 15, 1989

*Effective date:* November 15, 1989

*Amendment No.:* 73

*Facility Operating License No. DPR-34:* Amendment revised the Technical Specifications/license.

*Date of initial notice in Federal Register:* September 20, 1989 (54 FR 38766). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 15, 1989.

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* Greeley Public Library, City Complex Building, Greeley, Colorado

*Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California*

*Date of application for amendments:* October 11, 1988, December 19, 1988 and December 28, 1988.

*Brief description of amendments:* The amendment revised Technical Specifications (TS) 3/4.3.4, "Turbine Overspeed Protection," TS 3/4.4.5.1, "Reactor Coolant System Leakage," and TS 3/4.4.5.2, "Operational Leakage." Specifically in each case, the associated surveillance interval has been changed from 18 months to each refueling interval, which is defined as every 24 months.

*Date of issuance:* November 9, 1989

*Effective date:* November 9, 1989

*Amendment Nos.:* 79 and 67

*Facility Operating License Nos. NPF-10 and NPF-15:* Amendments changed the Technical Specifications.

*Date of initial notice in Federal Register:* March 8, 1989 (54 FR 9931, 54 FR 9934 and 54 FR 9935). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 9, 1989.

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* General Library, University of California, P.O. Box 19557, Irvine, California 92713.

*Tennessee Valley Authority, Docket Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama*

*Date of application for amendments:* June 20, 1989 (TS 271)

*Brief description of amendments:* The amendments modify the Browns Ferry Nuclear Plant, Units 1, 2, and 3, Technical Specifications. The changes add restrictions to core addition activities by requiring continuous core monitoring during refueling.

*Date of issuance:* November 3, 1989

*Effective date:* November 3, 1989

*Amendments Nos.:* 172, 175, 143

*Facility Operating Licenses Nos. DPR-33, DPR-52 and DPR-68:* Amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* August 23, 1989 (54 FR 35111). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 3, 1989.

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* Athens Public Library, South Street, Athens, Alabama 35611.

*Dated at Rockville, Maryland, this 22nd day of November, 1989.*

For the Nuclear Regulatory Commission  
Steven A. Varga,

Director, Division of Reactor Projects-I/II,  
Office of Nuclear Reactor Regulation  
[Doc. 89-27803 Filed 11-29-89; 8:45 am]

BILLING CODE 7590-01-D

### Staff Assessment of Proposed Amended Agreement Between the Nuclear Regulatory Commission

**AGENCY:** U. S. Nuclear Regulatory Commission.

**ACTION:** Notice of Proposed Amended Agreement with State of Utah.

**SUMMARY:** Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) is publishing for public comment the NRC staff assessment of a proposed amended agreement received from the Governor of the State of Utah for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended. Comments are requested on the public health and safety aspects of the proposal.

A staff assessment of the State's proposed amended program of control over sources of radiation is set forth below as supplementary information to this notice. A copy of the proposed amended agreement, program narrative, including the referenced appendices, applicable State legislation and Utah regulations, is available for public inspection in the Commission's public document room at 2120 L Street, NW, Washington, DC. Exemptions from the Commission's regulatory authority, which would implement this proposed amended agreement, have been published in the Federal Register and codified as part 150 of the Commission's regulations in Title 10 of the Code of Federal Regulations.

**DATES:** Comments must be received on or before December 15, 1989.

**ADDRESSES:** Submit comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555. ATTN: Docketing and Services Branch. Comments may also be delivered to 11555 Rockville Pike, Rockville, Maryland from 7:45 a.m. to 4:15 p.m. Monday through Friday. Copies of comments received by NRC may be



examined at the NRC Public Document Room, 2120 L Street, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Vandy L. Miller, State, Local and Indian Tribe Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone: 301-492-0326.

**SUPPLEMENTARY INFORMATION:**

Assessment of proposed amended Utah Program to regulate certain radioactive materials pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

The Commission has received a proposal from the Governor of Utah for the State to amend its agreement with the NRC whereby the NRC would relinquish and the State would assume regulatory authority for land disposal of source, byproduct and special nuclear material received from other persons pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

Section 274e of the Atomic Energy Act of 1954, as amended, requires that the terms of the proposed agreement be published for public comment once each week for four consecutive weeks. Accordingly, this notice will be published four times in the Federal Register.

**I. Background**

A. Section 274 of the Atomic Energy Act of 1954, as amended, provides a mechanism whereby the NRC may transfer to the States certain regulatory authority over agreement materials<sup>1</sup> when a State desires to assume this authority and the Governor certifies that the State has an adequate regulatory program, and when the Commission finds that the State's program is compatible with that of the NRC and is adequate to protect the public health and safety. Section 274g directs the Commission to cooperate with the States in the formulation of standards for protection against radiation hazards to assure that State and Commission programs for radiation protection will be coordinated and compatible. Further, section 274j provides that the Commission shall periodically review such agreements and actions taken by the States under the agreements to ensure compliance with the provisions of this section.

B. On March 29, 1984, the Governor of Utah signed an agreement with the NRC for the assumption of regulatory authority for byproduct material as defined in section 11e.(1) of the Act,

source material and special nuclear material in quantities not sufficient to form a critical mass. In a letter dated July 17, 1989, Governor Norman H. Bangerter of the State of Utah requested that the Commission enter into an amended agreement with the State pursuant to section 274 of the Atomic Energy Act of 1954, as amended, under which the State would also assume responsibility for regulating the land disposal of these materials received from other persons. The Governor certified that the State of Utah has a program for control of radiation hazards which is adequate to protect the public health and safety with respect to the materials within the State covered by the proposed amendment to the agreement, and that the State of Utah desires to assume regulatory responsibility for such materials. The text of the proposed agreement is shown in Appendix A.

The specific authority requested is for permanent disposal of low-level waste containing the material for which Utah has assumed regulatory authority under the 1984 agreement but not containing uranium and thorium mill tailings (byproduct material as defined in section 11e.(2) of the Act). The State does not wish to assume authority over uranium recovery activities. The State, however, reserves the right to apply at a future date to NRC for an amended agreement to assume authority in this area. The proposed amendment to the agreement covers the following areas:

1. Amending Article I of the Agreement of March 29, 1984 to add land disposal of source, byproduct and special nuclear material received from other persons to the list of materials covered by the agreement.
2. Amending Article II of the Agreement of March 29, 1984 to delete land disposal of source, by product and special nuclear material received from other persons from the list of materials and activities over which the Commission continues to retain regulatory authority and responsibility.
3. Specifies the effective date of the amended agreement.

C. Utah Code Annotated (UCA) 26-1-27 through 26-1-29 authorizes the State Department of Health to issue licenses to, and perform inspections of (see, also, UCA 26-23-8), users of radioactive materials under the 1984 agreement and otherwise carry out a total radiation control program. Utah Radiation Control Rules UCA-10 through UCA-80 adopted November 8, 1982 under authority of 26-1-27 through 26-1-29 Utah Code Annotated 1953, as amended, provide standards, licensing, inspection, enforcement and administrative

procedures for agreement and non-agreement materials. These regulations have been determined to be compatible with the Commission's regulations. Utah Radiation Control Rules R447-10 through R447-70 were amended and recodified in July 1989. Regulations R447-25 were adopted in July 1988 for licensing requirements for land disposal of radioactive waste.

D. On March 29, 1984, under enabling legislation in UCA 26-1-29, Utah assumed regulatory authority for byproduct material as defined in section 11e.(1) of the Act, source material and special nuclear material in quantities not sufficient to form a critical mass. The program audits conducted since that time have resulted in an NRC finding that the Utah radiation control program is compatible with that of the NRC and is adequate to protect public health and safety. In addition to Utah's agreement program, Utah is involved in several environmental radiation issues including monitoring indoor radon, monitoring uranium mill tailings, particularly at the Vitro uranium mill, and monitoring and assessment of the State environmental program. In addition, the Department issued to Envirocare of Utah, Inc., a license to receive, store, and dispose, by shallow land burial, naturally occurring radioactive material (NORM) waste with a radium-226 concentration not to exceed 2,000 picocuries per gram. NORM material is not regulated by the Nuclear Regulatory Commission.

E. The State's proposed programs for low-level radioactive waste disposal are assessed under Criteria numbers 9, "Radioactive Waste Disposal" and 20 "Qualification of Regulatory and Inspection Personnel." Additional criteria relating to prior evaluation of uses of radioactive materials, inspection and administration,<sup>2</sup> are addressed as appropriate to supplement information found in the staff assessment of the original Utah proposed agreement published in the Federal Register on December 30, 1983 (48 FR 57674-57684).

**II. NRC Staff Assessment of the Proposed Amendment to Utah Program for Control of Agreement Materials**

Reference: Criteria for Guidance of states and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement.<sup>3</sup>

<sup>1</sup>Criteria 13, "Prior Evaluation of Hazards and Uses Exceptions," 14, "Evaluation Criteria," 16, "Inspection, Purpose, Frequency," and 27, "Coverage, Amendments reciprocity."

<sup>2</sup>NRC Statement of Policy published in the Federal Register January 23, 1981 (46 FR 7540-7546).

Continued

<sup>1</sup> A. Byproduct materials as defined in 11e.(1)

B. Byproduct materials as defined in 11e.(2)

C. Source materials; and

D. Special nuclear materials in quantities not sufficient to form a critical mass



## Objectives

### 9. Radioactive Waste Disposal.

(a) Waste disposal by material users. The standards for the disposal of radioactive materials into the air, water and sewer, and burial in the soil shall be in accordance with 10 CFR part 20. Holders of radioactive material desiring to release or dispose of quantities or concentrations of radioactive materials in excess of prescribed limits shall be required to obtain special permission from the appropriate regulatory authority.

Requirements for transfer of waste for the purpose of ultimate disposal at a land disposal facility (waste transfer and manifest system) shall be in accordance with 10 CFR part 20.

The waste disposal standards shall include a waste classification scheme and provisions for waste form, applicable to waste generators, that is equivalent to that contained in 10 CFR part 61.

(b) Land Disposal of waste received from other persons. The State shall promulgate regulations containing licensing requirements for land disposal of radioactive waste received from other persons which are compatible with the applicable technical definitions, performance objectives, technical requirements and applicable supporting sections set forth in 10 CFR part 61. Adequate financial arrangements (under terms established by regulation) shall be required of each waste disposal site licensee to ensure sufficient funds for decontamination, closure and stabilization of a disposal site. In addition, Agreement State financial arrangements for long-term monitoring and maintenance of a specific site must be reviewed and approved by the Commission prior to relieving the site operator of licensed responsibility (section 151(a)(2), Pub. L. 97-425).

The Utah regulations contain provisions relating to the disposal of radioactive materials into the air, water and sewer and burial in soil which are essentially uniform with those of 10 CFR part 20. Waste transfer and manifest system requirements for transfer of waste for ultimate disposal at a land disposal facility are included in the Utah regulations. The waste disposal requirements include a waste classification scheme and provisions for waste form equivalent to that in 10 CFR part 61.

The Utah regulations provide for land disposal of low-level radioactive waste

received from other persons which are compatible with the applicable technical definitions, performance objectives, technical requirements and supporting sections set out in 10 CFR part 61. The Utah regulations include provisions for financial arrangements for decontamination, closure and stabilization. Under the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425), the financial arrangements for long term monitoring and maintenance at specific sites in Utah will be subject to Commission review and approval prior to Utah relieving the site operator of licensed responsibility.

References: URC-R447-15-310, URC-R447-15-302, URC-R447-15-303, URC-R447-304, URC-R447-15-304, URC-R447-15-306, URC-R447-15-307, URC-R447-15-308, URC-R447-15-309, URC-R447-15-311, URC-R447-25; Section 151(a)(2), Pub. L. 97-425.

### Prior Evaluation of Uses of Radioactive Materials

#### 13. Prior Evaluation of Hazards and Uses, Exceptions

In the present state of knowledge, it is necessary in regulating the possession and use of byproduct, source and special nuclear materials that the State regulatory authority require the submission of information on, and evaluation of, the potential hazards and the capability of the user or possessor prior to his receipt of the materials. This criterion is subject to certain exceptions and to continuing reappraisal as knowledge and experience in the atomic energy field increase. Frequently there are, and increasingly in the future there may be, categories of materials and uses as to which there is sufficient knowledge to permit possession and use without prior evaluation of the hazards and the capability of the possessor and user. These categories fall into two groups—those materials and uses which may be completely exempt from regulatory controls, and those materials and uses in which sanctions for misuse are maintained without pre-evaluation of the individual possession or use. In authorizing research and development or other activities involving multiple uses of radioactive materials, where an institution has people with extensive training and experience, the State regulatory authority may wish to provide a means for authorizing broad use of materials without evaluating each specific use.

Prior to the issuance of a specific license for the disposal of radioactive materials, the Utah Bureau of Radiation Control will require the submission of information on, and will make an

evaluation of, the potential hazards of such uses, and the capability of the applicant.

References: URC-447-25, Utah Program Statement, section III.D "Procedures for Review of a Low-Level Radioactive Waste Disposal License Application."

#### 14. Evaluation Criteria

In evaluating a proposal to use radioactive materials, the regulatory authority shall determine the adequacy of the applicant's facilities and safety equipment, his training and experience in the use of the materials for the purpose requested, and his proposed administrative controls. States should develop guidance documents for use by license applicants. This guidance should be consistent with NRC licensing and regulatory guides for various categories of licensed activities.

In evaluating a proposal for disposal of radioactive material, the Utah Bureau of Radiation Control will make the findings required by URC-R447-25-11, including, among other, findings that the issuance of the license will not constitute an unreasonable risk to the health and safety of the public and that the applicant is qualified by reason of training and experience to carry out the disposal operations requested in a manner that protects health and minimizes danger to life or property.

Other special requirements for the issuance of specific licenses are contained in the regulations.

References: URC-R447-25, *see*, especially, R447-25-11, Utah Program Statement, Section III.D. "Procedures for Review of a Low-Level Radioactive Waste Disposal License Application."

### Inspection

#### 16. Purpose, Frequency

The possession and use of radioactive materials shall be subject to inspection by the regulatory authority and shall be subject to the performance of tests, as required by the regulatory authority. Inspection and testing is conducted to determine and to assist in obtaining compliance with regulatory requirements. Frequency of inspection shall be related directly to the amount and kind of material and type of operation licensed, and it shall be adequate to insure compliance.

Utah low-level waste disposal licensees will be subject to inspection by the Bureau of Radiation Control. Upon instruction from the Bureau, licensees shall perform or permit the Bureau to perform such reasonable tests and surveys as the Bureau deems

A correction was published July 16, 1981 (46 FR 36969) and a revision of Criterion 9 published in the Federal Register July 21, 1983 (48 FR 33376).



appropriate or necessary. The frequency of inspections is dependent upon the type and scope of the licensed activities and will be at least as frequent as inspections of similar licensees by NRC. Generally, inspections will be unannounced.

References: Utah Program Statement, section III.E "Compliance Program for a Low-Level Radioactive Waste Disposal Facility."

#### Personnel

#### 20. Qualifications of Regulatory and Inspection Personnel

The regulatory agency shall be staffed with sufficient trained personnel. Prior evaluation of applications for licenses or authorizations and inspection of licensees must be conducted by persons possessing the training and experience relevant to the type and level of radioactivity in the proposed use to be evaluated and inspected. This requires competency to evaluate various potential radiological hazards associated with the many uses of radioactive material and includes concentrations of radioactive materials in air and water, conditions of shielding, the making of radiation measurements, knowledge of radiation instruments—their selection, use, and calibration—laboratory design, contamination control, other general principles and practices of radiation protection, and use of management controls in assuring adherence to safety procedures. In order to evaluate some complex cases, the State regulatory staff may need to be supplemented by consultants or other State agencies with expertise in geology, hydrology, water quality, radiobiology, and engineering disciplines.

To perform the functions involved in evaluation and inspection, it is desirable that there be personnel educated and trained in the physical and/or life sciences, including biology, chemistry, physics and engineering, and that the personnel have had training and experience in radiation protection. For example, the person who will be responsible for the actual performance of evaluation and inspection of all of the various uses of byproduct, source and special nuclear materials which might come to the regulatory body should have substantial training and extensive experience in the field of radiation protection. It is desirable that such a person have a bachelor's degree or equivalent in the physical or life sciences, and specific training in radiation protection.

It is recognized that there will also be persons performing a more limited function in evaluation and inspection. These persons will perform the day-to-

day work of the regulatory program and deal with both routine situations as well as some which will be out of the ordinary. These persons should have a bachelor's degree or equivalent in the physical or life sciences, training in health physics, and approximately two years of actual work experience in the field of radiation protection.

The foregoing are considered desirable qualifications for the staff who will be responsible for the actual performance of evaluation and inspection. In addition, there will probably be trainees associated with regulatory program who will have an academic background in the physical or life sciences as well as varying amounts of specific training in radiation protection but little or no actual work experience in this field. The background and specific training of these persons will indicate to some extent their potential role in the regulatory program. These trainees, of course, could be used initially to evaluate and inspect those applications of radioactive materials which are considered routine or more standardized from the radiation safety standpoint, for example, inspection of industrial gauges, small research programs, and diagnostic medical programs. As they gain experience and competence in the field, trainees could be used progressively to deal with the more complex or difficult types of radioactive material applications. It is desirable that such trainees have a bachelor's degree or equivalent in the physical or life sciences and specific training in radiation protection. In determining the requirement for academic training of individuals in all of the foregoing categories proper consideration should be given to equivalent competency which has been gained by appropriate technical and radiation protection experience.

It is recognized that radioactive materials and their uses are so varied that the evaluation and inspection functions will require skills and experience in the different disciplines which will not always reside in one person. The regulatory authority should have the composite of such skills either in its employ or as its command, not only for routine functions, but also for emergency cases.

*Licensing and Regulation of Permanent Disposal of Low-Level Radioactive Waste—(a) Number of Personnel—* (a) *Number of Personnel.* There are approximately 230 specific licenses in the State of Utah. The Bureau of Radiation Control has responsibility for the low-level waste (LLW) management regulatory program as a

joint function of Radioactive Materials and Machine Licensing Section and Environmental Monitoring and Mill Tailings Management Section. The assessment of the regulatory framework is included under Criterion 9, "Radioactive Waste Disposal." The Bureau of Radiation Control has identified seven staff members who will provide supervision, technical support and administrative assistance during the various phases of regulating a licensed low-level waste disposal facility. These personnel and summaries of their duties are:

*Larry F. Anderson:* Director, Bureau of Radiation Control. Responsible for administration of Bureau programs.

*Mark S. Day:* Environmental Health Engineer. Responsible for the Utah's inactive uranium mill tailings remedial action project.

*Dane L. Finerfrock:* Environmental Health Manager, Environmental Monitoring and Mill Tailings Management Section. Responsible for radon-in-residences monitoring, statewide environmental radiation monitoring, licensing and inspection of low-level radioactive waste disposal facilities, and inactive uranium mill tailings remedial action programs.

*Blaine N. Howard:* Health Physicist. Responsible for licensing and inspection in materials program.

*John D. Hultquist:* Environmental Health Scientist. Responsible for inspection of low-level waste disposal facilities, environmental monitoring and inactive uranium mill tailings remedial action project.

*Craig W. Jones:* Environmental Health Manager, Radioactive Materials and Machine Licensing Section. Responsible for the Agreement State program including licensing and inspection of low-level disposal facilities.

*Raymond G. Nelson:* Environmental Health Scientist. Responsible for regulation of low-level waste disposal facilities, environmental monitoring and inactive uranium mill tailings remedial action project.

*Cindy Wignall:* Environmental Health Technician. Responsible for supporting both sections as a technical assistant in meeting the Bureau's goals.

In addition, Utah has identified staff with expertise in various disciplines within the Department and other State agencies for support during the pre-operational and licensing stage. Expertise in disciplines not provided by Utah personnel either on staff or covered by agreements with other State



agencies will be provided by contracts with the State.

(b) *Training.* The academic and specialized short course training for those persons involved in the administration, licensing and inspection of low-level radioactive waste disposal facilities is shown below.

Larry F. Anderson—B.S. Chemistry, MPA (Health), Brigham Young University.  
 NIOSH Course 549, *Recognition, Evaluation, and Control of Occupational Hazards*. October 1972.  
 NIOSH Course 582, *Sampling and Evaluating Airborne Asbestos Dust*. April 10-12, 1973.  
 Utah State Division of Health, *Visible Emission Evaluation Course*. June 19, 1973.  
 American Industrial Hygiene Association, *Industrial Toxicology Seminar*. A 24-hour course ending April 30, 1975.  
 OSHA, *Fundamentals of Occupational Injury Investigation*. Short course ending April 1, 1977.  
 U.S. Nuclear Regulatory Commission, *Radiological Emergency Response Operation Training Course*. A 64-hour course ending January 27, 1978.  
 U.S. Environmental Protection Agency, *Grants Administration Seminar*. A 16-hour course ending May 16, 1989.  
 Safety International Training Center, *Hydrogen Sulfide and Equipment for Instructors*. A 12-hour course ending June 19, 1979.  
 Rocky Mountain Center for Occupational and Environmental Health, University of Utah, *Health and Exposures in the Smelter Environment*. A 20-hour course ending March 29, 1980.  
 U.S. Nuclear Regulatory Commission, *Medical Uses of Radionuclides*. A 40-hour course held in January 1984.  
 U.S. Nuclear Regulatory Commission, *Industrial Radiography*. A 40-hour course held May 1985.  
 Harvard School of Public Health, *Biological Effects of Ionizing Radiation*. A 40-hour course held in March 1989.  
 Mark S. Day—B.S. Civil and Environmental Engineering, Utah State University.  
 Center for Professional Advancement, *Hydraulic Conveying*. A 1-week course in 1974.  
 University of California, *Resolution of Construction Claims*. A 1-week course in 1983.  
 Management Consultants Incorporated, *Federal Procurement of Construction Projects*. A 1-week course in 1985.

Air Force Institute of Technology, *Contingency Engineering*. A 2-week course in 1986.

Air Force Institute of Technology, *Hazardous Waste Management*. A 2-week course in 1986.

Dane L. Finerfrock—B.S. Meteorology, B.S. Biology, University of Utah.

Oak Ridge Associated Universities, *Health Physics and Radiation Protection*. A 10-week course ending April 1981.

U.S. Nuclear Regulatory Commission, *Radiological Emergency Response Operation Training Course*. A 64-hour course ending August 8, 1980.

U.S. Nuclear Regulatory Commission, *Safety Aspects of Industrial Radiography*. A 40-hour course held in August 17, 1980.

Western Interstate Energy Board, *Workshop on Low-Level Radioactive Waste*. A 16-hour course ending July 16, 1980.

U.S. Department of Health, Education and Welfare, *Basic Course for Investigators: Diagnostic X-Ray Surveillance*. A 80-hour course ending March 14, 1980.

U.S. Nuclear Regulatory Commission, *Introduction Licensing Practices and Procedures*. A 80-hour course ending in September, 1979.

U.S. Nuclear Regulatory Commission, *Transportation of Radioactive Materials*. A 40-hour course ending in November 16, 1984.

U.S. Nuclear Regulatory Commission, *License Inspection Procedures*. A 40-hour course ending in June 18, 1985.

U.S. Environmental Protection Agency, *Reducing Radon in Structures*. A 24-hour course ending in March 1989.

Blaine N. Howard—B.S. Math and Physics, Ricks College. M.S. Radiological Health, New York University. M.S. Physics and Math, Brigham Young University.

Bureau of Radiological Health, *Medical X-Ray Protection*. Held October 30-November 10, 1972.

U.S. Nuclear Regulatory Commission, *Radiological Emergency Response Operation Training Course*. A 64-hour course held in 1978.

National Legislative Conference, *States Role in Radioactive Material Management*. Held December 9-11, 1974.

U.S. Environmental Protection Agency, *Drinking Water Regulations and Radioanalytical Workshop*. Held January 10-12, 1978.

X-Ray Workshop, Richfield, Utah. March 14-15, 1979

*Actinides in Man and Animals*

*Workshop*, Snowbird, Utah. October 15-17, 1979.

U.S. Nuclear Regulatory Commission, *Medical Uses of Radionuclides*. A 40-hour course ending September 12, 1980.

NWTS Annual Information Meeting, Columbus, Ohio. December 8-10, 1980.

Waste Management 1981—American Nuclear Society, Tucson, Arizona. February 23-27, 1981.

U.S. Nuclear Regulatory Commission, *Introduction Licensing Practices and Procedures*. A 80-hour course ending in September 1982.

U.S. Nuclear Regulatory Commission, *Inspection Procedures*. A 40-hour course ending in July 30, 1982.

U.S. Nuclear Regulatory Commission, *Radon Monitoring*. A 40-hour course ending in November 1982.

Conference of Radiation control Program Directors, *Radiation Instruments*. A 24-hour course ending September 1983.

U.S. Nuclear Regulatory Commission, *Gas and Oil Well Logging*. A 40-hour course ending in November 1988.

U.S. Nuclear Regulatory Commission, *Safety Aspects of Industrial Radiography*. A 40-hour course ending September 1989.

John D. Hultquist—B.S. Environmental Science/Biology, University of Tennessee.

U.S. Environmental Protection Agency, *Basic Risk and Decision Making*. A 16-hour course ending in March 1988.

Utah Division of Comprehensive Emergency Management, *Fundamental Course for Radiological Monitors*. An 8-hour course ending March 1989.

U.S. Environmental Protection Agency, *Reducing Radon in Structures*. A 24-hour course ending in March 1989.

U.S. Environmental Protection Agency, *RCRA Ground Water Monitoring*. A 24-hour course ending in April 1989.

Oak Ridge Associated Universities, *Health Physics and Radiation Protection*. A 5-week course ending August 1989.

U.S. Department of Energy, *First Responders WIPP Training*. An 8-hour course ending August 1989.

U.S. Environmental Protection Agency, *Hazardous Material Response for First Responders*. A 40-hour course ending in September 1989.



Craig W. Jones—B.S. Biology, M.S.P.H. (Industrial Hygiene), University of Utah.

U.S. Nuclear Regulatory Commission, *Radiological Emergency Response Operation Training Course*. A 64-hour course ending August 8, 1980.

Department of Health and Human Services, *Radiopharmaceutical Quality Assurance*. A 16-hour course ending November 1984.

U.S. Nuclear Regulatory Commission, *Inspection Procedures*. A 40-hour course ending in February 1985.

U.S. Environmental Protection Agency, *Air Surveillance for Hazardous Materials*. A 40-hour course ending in April 1985.

U.S. Nuclear Regulatory Commission, *Medical Uses of Radionuclides*. A 40-hour course ending June 1985.

Oak Ridge Associated Universities, *Health Physics and Radiation Protection*. A 5-week course ending August 1985.

U.S. Nuclear Regulatory Commission, *Introduction Licensing Practices and Procedures*. A 40-hour course ending in September 1985.

U.S. Nuclear Regulatory Commission, *Radiation Protection Engineering*. A 40-hour course ending in November 1986.

U.S. Nuclear Regulatory Commission, *Gas and Oil Well Logging*. A 40-hour course ending in November 1987.

U.S. Nuclear Regulatory Commission, *Transportation of Radioactive Materials*. A 40-hour course ending in August 1988.

Raymond G. Nelson—Completed 2 years towards B.S. in Geophysics, University of Utah.

U.S. Environmental Protection Agency, *Basic Risk and Decision Making*. A 16-hour course ending in September 1988.

Utah Division of Comprehensive Emergency Management, *Fundamental Course for Radiological Monitors*. An 8-hour course ending March 1989.

U.S. Environmental Protection Agency, *Reducing Radon in Structures*. A 24-hour course ending in March 1989.

U.S. Environmental Protection Agency, *RCRA Ground Water Monitoring*. A 24-hour course ending in April 1989.

U.S. Nuclear Regulatory Commission, *Inspection Procedures*. A 40-hour course ending in June 1989.

U.S. Nuclear Regulatory Commission, *Transportation of Radioactive Materials*. A 40-hour course ending in August 1989.

U.S. Department of Energy, *First*

*Responders WIPP Training*. An 8-hour course ending in August 1989.

U.S. Environmental Protection Agency, *Hazardous Material Response for First Responders*. A 40-hour course ending in September 1989.

Reference: Utah Program Statement, section II.D "Low-Level Radioactive Waste Management," section IV "Staffing, Supervision, and Equipment for a Low-Level Waste Program," and Appendix E.

#### Administration

#### 27. Coverage, Amendments, Reciprocity

The proposed amendment to the Utah agreement provides for the assumption of regulatory authority over land disposal of source, byproduct and special nuclear material received from other persons.

Reference: Proposed Amendment to Agreement, section I.

#### III. Staff Conclusion

Section 274d of the Atomic Energy Act of 1954, as amended, states:

The Commission shall enter into an agreement under subsection b of this section with any State if—

(1) The Governor of that State certifies that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State desires to assume regulatory responsibility for such materials; and

(2) the Commission finds that the State program is in accordance with the requirements of subsection o. and in all other respects compatible with the Commission's program for the regulation of such materials, and that the State program is adequate to protect the public health and safety with respect to the materials covered by the proposed agreement.

The staff has concluded that the State of Utah meets the requirements of section 274 of the Act. The State's statutes, regulations, personnel, licensing, inspection and administrative procedures are compatible with those of the Commission and adequate to protect the public health and safety with respect to the materials covered by the proposed amendment to the Utah agreement. Since the State is not seeking authority over uranium milling activities, subsection O. is not applicable to the proposed amendment to the Utah amended agreement.

Dated at Rockville, Maryland, this 7th day of November 1989.

For the U.S. Nuclear Regulatory Commission.

Carlton Kammerer,

Director, State, Local and Indian Tribe Programs, Office of Governmental and Public Affairs.

#### Appendix A

**Amendment to Agreement Between the United States Nuclear Regulatory Commission and the State of Utah for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended**

Whereas, the United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) entered into an Agreement (hereinafter referred to as the Agreement of March 29, 1984) with the State of Utah under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), which Agreement became effective on April 1, 1984, and provided for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and Section 161 of the Act with respect to byproduct materials as defined in section 11e.(1) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Utah is authorized under Utah Code Annotated 26-1-29 to enter into this amendment to the Agreement of March 29, 1984, between the Commission and the State of Utah; and

Whereas, The Governor of the State of Utah has requested this amendment in accordance with section 274 of the Act by certifying on (date to be inserted) that the State of Utah has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the land disposal within the State of source, byproduct and special nuclear material received from other persons and that the State desires to assume regulatory responsibility for such materials; and

Whereas, The Commission found on (date to be inserted), that the program for regulation of materials covered by the amendment is in accordance with the requirements of the Act and in all other respects compatible with the Commission's program for the regulation of such materials and is adequate to protect public health and safety; and

Whereas, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that the State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, this amendment to the Agreement of March 29, 1984, is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended.

Now, therefore, it is hereby agreed between the Commission and the Governor



of the State, acting on behalf of the State, as follows:

Section 1. Article I of the Agreement of March 29, 1984, is amended by deleting "and" at the end of paragraph B., by adding "and," after the words "critical mass" in paragraph C., and by inserting the following new paragraph immediately after paragraph C.:

D. The land disposal of source, byproduct and special nuclear material received from other persons.

Section 2. Article II of the Agreement of March 29, 1984, is amended by deleting paragraph E. and by redesignating paragraph F. as paragraph E.

This amendment shall become effective on (date to be inserted), and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII of the Agreement of March 29, 1984.

Done at Salt Lake City, Utah, in triplicate, this \_\_\_\_\_ day of \_\_\_\_\_, 1989.

For the United States Nuclear Regulatory Commission,

Kenneth M. Carr,  
Chairman

For the State of Utah,

Norman H. Bangerter,  
Governor

[FR Doc. 89-2695 Filed 11-14-89; 8:45 am]

BILLING CODE 7590-01-M

#### **Commonwealth Edison Co.; Issuance of Amendment To Facility Operating License**

The United States Nuclear Regulatory Commission (the Commission) has issued Amendment No. 108 to Provisional Operating License No. DPR-19 and Amendment No. 103 Operating License No. DPR-25 issued to the Commonwealth Edison Company, (the licensee), for operation of the Dresden Nuclear Power Station, Units 2 and 3 located in Grundy County, Illinois.

These amendments correct the discrepancy between the Technical Specification Table 3.2.2 value for the 4KV emergency bus undervoltage trip (3092V) and the current trip value (2930V), and includes administrative changes which add clarity and conciseness to the Technical Specifications.

The parts of application for the amendment approved by the Commission complies with the standards and requirements of the Atomic Energy Act to 1954, as amended (the Act), and the Commission's rules and regulations. A Notice of Denial has been issued for those parts of the application denied. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the licensee's amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the *Federal Register* on May 3, 1988 (53 FR 15755). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared and Environmental Assessment and Finding of No Significant Impact related to this action and has determined not to prepare an Environmental Impact Statement. Based upon the Environmental Assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendment dated March 28, 1988, (2) Amendment No. 108 to License No. DPR-19, and (3) Amendment No. 103 to DPR-25, and (4) the Environmental Assessment and Finding of No Significant Impact. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC; and at Morris Public Library, 804 Liberty Street, Morris, Illinois 60450. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

Dated at Rockville, Maryland this 21st day of November 1989.

For the Nuclear Regulatory Commission,

Byron L. Siegel,

*Project Manager Project Directorate III-2  
Division of Reactor Projects—III, IV, V, and  
Special Projects.*

[FR Doc. 89-27914 Filed 11-28-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-237, 50-249]

#### **Commonwealth Edison Co. Dresden Nuclear Power Station, Unit Nos. 2 and 3, Denial of Amendment To Facility Operating License and Opportunity for Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) has denied, in part, a request by Commonwealth Edison Company, an amendment to Provisional Operating License No. DPR-19, and Facility Operating License No. DPR-25 issued to the licensee for operation of the Dresden Nuclear Power Station, Unit Nos. 2 and 3, located in Grundy County, Illinois. Notice of consideration of issuance of this amendment was published in the *Federal Register* on May 3, 1988 (53 FR 15755).

The purpose of the licensee's amendment request was to correct the discrepancy between the Technical Specification Table 3.2.2 value for 4KV emergency bus undervoltage trip (3092V) and the current trip value (2930V) and include administrative changes which add clarity and conciseness to the Technical Specifications (TS).

The staff has denied the proposal to delete "Permissive for Starting ECCS pumps" under the Remark Column of Table 3.2.2 for the 4KV loss of voltage relays because these relays do provide a permissive function which should be encompassed by the TS. The staff has also denied the proposal to add a new note 6 to Table 3.2.2 to encompass new limiting conditions for operation (LCO) for the 4KV loss of voltage and degraded voltages instrumentation channels (relays). Our concern was that if either of the two relays in the 2-out-of-2 loss of voltage and 2-out-of-2 degraded voltages trip logic is found inoperable, the new LCO would allow plant operation to continue for 7 days with no clear indication as to the status (tripped/non-tripped) into which the logic or relays would be placed. The other provisions of the amendment pertaining to section 3/4.2 have been approved by Amendment Nos. 108 and 103 dated November 21, 1989.

Notice of Issuance of that amendment will be published in the Commission's biweekly *Federal Register* notice.

The licensee was notified of the Commission's denial of the proposed TS change by the letter transmitting Amendment Nos. 108 and 103.

By December 29, 1989, the licensee may demand a hearing with respect to the denial described above and any persons whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Michael I. Miller, Sidley and Austin, One First National Plaza, Chicago, Illinois 60603, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendment dated March 28, 1988 (2) the Commission's letter to the licensee



dated November 21, 1989, and (3) the Commission's Safety Evaluation dated November 21, 1989, issued with Amendment Nos. 108 and 103 to DPR-19 and DPR-25 respectively.

These documents are available for public inspection at the Commission's Public Document Room 2120 L Street, Washington, DC 20555 and at Morris Public Library, 604 Liberty Street, Morris, Illinois 60450. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Document Control Desk.

Dated at Rockville, Maryland this 21st day of November 1989.

For the Nuclear Regulatory Commission.

Byron Siegel,

*Project Manager, Project Directorate III-2, Division of Reactor Projects III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.*

[FR Doc. 89-27915 Filed 11-28-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361 and 50-362]

#### **Southern California Edison Co., et al; Facility Operating Licenses**

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 80 to Facility Operating License No. NPF-10 and Amendment No. 68 to Facility Operating License No. NPF-15, issued to Southern California Edison Company, San Diego Gas and Electric Company, The City of Riverside, California and the City of Anaheim, California (the licensees), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station, Units 2 and 3, located in San Diego County, California.

The amendments were effective as of the date of issuance.

These amendments revise the following items in the Technical Specifications.

- 3/4.3.1 "Reactor Protective Instrumentation"
- 3/4.3.2 "Engineered Safety Feature Actuation System Instrumentation"
- 3/4.1.3.3 "Position Indicator Channel—Shutdown"

Specifically in each case, the associated surveillance interval has been changed from 18 months to each refueling interval, which is defined as every 24 months. The initial Federal Register notices did not specifically define the refueling interval; however, the 24-month period is the generally

accepted fuel cycle and does not affect the initial notices.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR chapter I, which are set forth in the license amendments.

Notices of Consideration of Issuance of Amendments and Opportunity for Hearing in connection with this action were published in the Federal Register on February 24, 1989 (54 FR 8032, 8036 and 8037). No request for a hearing or petition for leave to intervene was filed following these notices.

The Commission has prepared an Environmental Assessment related to the action and has determined that an environmental impact statement will not be prepared and that issuance of the amendments will have no significant adverse effect on the quality of the human environment.

For further details with respect to the action see (1) the applications for amendments dated April 26, 1988 (PCN-248), April 26, 1988 (PCN-251) and December 19, 1988 (PCN-282), (2) Amendment No. 80 to License No. NPF-10 and Amendment No. 68 to License No. NPF-15, (3) the Commission's related Safety Evaluation and (4) the Commission's Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555, and the General Library, University of California, P.O. Box 19557, Irvine, California 92713. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects III, IV, V and Special Projects.

Dated at Rockville, Maryland this 21st day of November, 1989.

For the Nuclear Regulatory Commission.

Lawrence E. Kokajko,

*Project Manager, Project Directorate, Division of Reactor Projects III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.*

[FR Doc. 89-27916 Filed 11-28-89; 8:45 am]

BILLING CODE 7590-01-M

#### **OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

[Docket No. 301-69]

**Determinations Under section 304 of the Trade Act of 1974, as amended, Regarding Japanese Government Procurement Policies Affecting Architectural, Engineering and Construction Services, and Related Consulting Services**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice of determinations under section 304 of the Trade Act of 1974 (the "Trade Act"), as amended, 19 U.S.C. 2414.

**SUMMARY:** On November 21, 1989, the USTR determined, pursuant to section 304(a)(1)(A) of the Trade Act, that certain acts, policies and practices of the Government of Japan with respect to the procurement of architectural, engineering and construction services and related consulting services by the Japanese Government are unreasonable and burden or restrict U.S. commerce. The USTR further determined, pursuant to section 304(a)(1)(B) of the Trade Act, that no responsive action under section 301 of the Act is appropriate at this time in light of certain commitments made by the Government of Japan. The USTR will monitor Japan's implementation of these commitments pursuant to section 306 of the Trade Act, and will seek a satisfactory resolution of all remaining concerns in ongoing bilateral negotiations, beginning January 19, 1990, and including a full review in May 1990 of the "Major Projects Arrangements" concluded by the United States and Japan in 1988. If Japan's implementation of its undertakings or progress in ongoing negotiations is unsatisfactory, the USTR shall consider at that time what further action may be appropriate under section 301 of the Trade Act.

**EFFECTIVE DATE:** November 21, 1989.

**FOR FURTHER INFORMATION CONTACT:** Bonnie Richardson, Special Assistant for Services, (202) 395-7271, Office of the U.S. Trade Representative, 600 17th Street, NW., Washington, DC 20506.

**SUPPLEMENTARY INFORMATION:** On November 21, 1988, pursuant to section 1305 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. No. 100-418, 102 Stat. 1182), the United States Trade Representative initiated an investigation under section 302 of the Trade Act of 1974, as amended,



regarding those acts, policies and practices of the Government of Japan, and of entities owned, financed, or otherwise controlled by the Government of Japan, that are barriers in Japan to the offering or performance in Japan by United States persons of architectural, engineering, and construction services, and related consulting services.

By Federal Register notice dated November 28, 1988 (53 FR 47897), USTR invited written public comment on these barriers. In addition, on March 13, 1989, USTR held a public hearing on the Japanese government practices at issue (54 FR 6349), and heard testimony on practices which interested persons considered are unreasonable and a burden or restriction on U.S. commerce. Following the hearing, the United States held consultations with the Government of Japan on this matter.

Section 304 of the Trade Act required the USTR in this case to determine by November 21, 1989, whether the Japanese practices are unreasonable and burden or restrict U.S. commerce, and if so, what action, if any, to take under section 301 in response. On November 1, 1989 (54 FR 46181), USTR requested further comment, particularly with respect to the determinations required under section 304.

#### Determinations

On November 21, 1989, the United States Trade Representative (USTR) determined pursuant to section 304(a)(1)(A) of the Trade Act of 1974, as amended ("the Trade Act"), that certain acts, policies and practices of the Government of Japan with respect to the procurement of architectural, engineering and construction services and related consulting services by the Japanese Government are unreasonable and burden or restrict U.S. commerce.

The USTR further determined, pursuant to section 304(a)(1)(B) of the Trade Act, that no responsive action under section 301 of the Act is appropriate at this time in light of (a) written commitments made by the Government of Japan regarding actions the Government of Japan intends to take to improve access for U.S. firms to its market, and (b) written commitments made by the Government of Japan to ongoing bilateral consultations on all unresolved matters regarding access to the construction market, including consultations scheduled for spring 1990 in the context of a review of the Major Projects Arrangements concluded by the Governments of Japan and the United States in May 1988.

#### Reasons for Determinations

The USTR gave the following reasons

for her determinations under section 304 of the Trade Act:

#### (1) Japanese Acts, Policies and Practices

On the basis of an investigation pursuant to section 302 of the Trade Act of 1974, as amended, and on consultations with the Government of Japan and the affected U.S. industry, the USTR found it unreasonable, and a burden or restriction on U.S. commerce, that the Government of Japan implements procurement policies in the construction sector in a way that limits competition and facilitates collusive bidding practices ("dango"), including inadequate use of administrative measures restricting collusive bidding activities, and operation of the designated bidder system. More specifically:

- Japan's administrative measures restricting collusive bidding ("dango") are ineffective to deter collusive activities. Ministries have consistently imposed the minimum penalties prescribed by their regulations to suspend from bidding firms found to have engaged in collusive activities. In two recent cases, the funding ministries suspended the guilty firms from bidding from only one month and only in the region where the collusion occurred.

- The Government of Japan also implements the designated bidder system in a way which limits competition. This system operates to limit the number of firms that can bid, thereby further limiting the opportunities for U.S. firms. The decision to designate bidders also depends on vague and subjective criteria.

In addition, the USTR found it unreasonable, and a burden or restriction on U.S. commerce, that the Government of Japan uses open bidding procedures only in the 14 construction projects covered by the Major Projects Arrangements concluded by the United States and Japan in May 1988. More specifically:

- Foreign firms are excluded from bidding on public projects outside the Major Projects Arrangements, unless they have had prior experience on other Japanese construction projects. Such experience currently can be gained only from projects subject to the Major Projects Arrangements—or from private sector projects, in which foreign firms have had limited success.

- The Government of Japan discriminates against non-Japanese firms by providing information to them less promptly and fully than it does to Japanese firms on projects not covered by the Major Projects Arrangements.

#### (2) U.S. Action

The USTR's determination that no

responsive action under section 301 of the Trade Act is appropriate at this time takes into account several commitments made by the Government of Japan. In consultations with the Government of Japan on November 8-9, 1989, Japanese Government officials gave the United States written commitments, amplified by the USTR's subsequent discussions with Japanese Government officials in Tokyo and by a letter dated November 17, 1989, from the Minister of Construction, regarding actions the Government of Japan intends to take immediately to improve access for U.S. firms to its market. The Government of Japan also committed in the November 17 letter, and again subsequent thereto, to ongoing bilateral consultations on all unresolved matters regarding access to the construction market, including those scheduled for spring 1990 in the context of a review of the Major Projects Arrangements concluded by the Governments of Japan and the United States in May 1988.

More specifically:

- With regard to deterrence of collusive activities, the Government of Japan stated its intention to undertake two new administrative measures to deter collusive activities. It plans to provide at two stages in the bidding process a statement of the legal prohibitions against collusive activities. Commissioning entities will require each bidder to submit, at the time that he submits a bid, a signed and sealed document that states compliance with the bidding instructions.

- With regard to the designated bidder system, the Government of Japan agreed to provide greater detail about the nature of the specific projects being tendered, which should enable potential bidders to assess more accurately whether there is a reasonable likelihood that the company has the technical capabilities required for designation.

- With regard to requirements to form consortia or joint ventures in order to bid, the Government of Japan agreed that commissioning entities will refrain from determining the share of any company in a joint venture or the segment of the project that a company will undertake.

- With regard to architectural design, the Government of Japan stated that the design of the two additional elements of the Kansai International Airport will be open to non-discriminatory competition: the airline terminal annex, and the cargo terminal building. After the procuring agencies for the Haneda Airport Terminal Construction (Phase III), the Hiroshima Airport Terminal Construction, and the New Kitakyushu Airport Terminal Construction are



determined, the Government of Japan will encourage those procuring agencies to follow non-discriminatory competitive procedures. For all other projects under the Major Projects Arrangements, the decision to contract for the design will be announced in the annual plans of the commissioning authority.

• With regard to sub-contracting of goods and services, the procuring entities will publish a notice of the intention to procure all major goods and services (whether procured directly or indirectly) at the same time they announce the major project and will provide additional information on those goods and services during the explanation meeting. The Government of Japan also stated that commissioning entities will encourage contractors to provide explanations to a potential supplier who requests an explanation. Furthermore, the Government of Japan will allow the potential suppliers recourse to the complaints mechanism under the Major Projects Arrangements, if the supplier fails to win the contract or subcontract and does not obtain a satisfactory explanation from the general contractor or subcontractor.

The United States will monitor Japan's implementation of these market-opening actions pursuant to section 306 of the Trade Act, and will seek a satisfactory resolution of all remaining concerns in ongoing bilateral negotiations, beginning January 19, 1990 and including a full review of the Major Projects Arrangements in May 1990. If Japan's implementation of its undertakings or our progress in ongoing negotiations is unsatisfactory, the USTR shall consider at that time what further action may be appropriate under section 301 of the Trade Act.

The USTR's determination also takes into account the fact that the value of U.S. architectural, engineering and construction contracts in the Japanese market has reached about \$65 million and has been growing. The USTR will continue to monitor this progress and expects U.S. firms to be more successful as Japan implements its assurances to continue its market-opening efforts.

A. Jane Bradley,

Chairman, Section 301 Committee.

[FR Doc. 89-27918 Filed 11-28-89; 8:45 am]

BILLING CODE 3190-01-M

## PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

### Meeting

Notice is hereby given of the meetings of the Prospective Payment Assessment

Commission on Tuesday and Wednesday, December 12 and 13, 1989 at the Madison Hotel, 15th & M Streets NW., Washington, DC.

The Subcommittee on Diagnostic and Therapeutic Practices will be meeting in Drawing Rooms I and II, second floor at 9 o'clock, December 12, 1989. The Subcommittee on Hospital Productivity and Cost-Effectiveness will convene its meeting at 9 o'clock, December 12, 1989 in Executive Chambers 1, 2 and 3.

The Full Commission will convene at 1:30 o'clock p.m. on December 12, 1989, in Executive Chambers 1, 2 and 3, on the second floor. The Full Commission will meet again on Wednesday, December 13, 1989, at 9:00 a.m. in the same room.

All meetings are open to the Public.

Donald A. Young,

Executive Director.

[FR Doc. 89-27569 Filed 11-28-89; 8:45 am]

BILLING CODE 6820-BW-M

## SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-27455; File No. SR-AMEX-83-27]

### Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to Equity Specialist Performance, Allocation and Reallocation Procedures

#### I. Introduction

On October 23, 1983, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Commission pursuant to Section 19(b) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> copies of a proposed rule change to adopt the Exchange's equities specialist performance, allocation and reallocation procedures, including revisions to its specialist unit evaluation questionnaire.<sup>3</sup> No comments were

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4 (1989).

<sup>3</sup> The proposal was noticed in Securities Exchange Act Release No. 20353, November 4, 1983, 48 FR 51992. The Amex submitted Amendment No. 1 to the proposal on April 23, 1984; however, due to a number of concerns raised by the amendment, the Commission determined not to publish the amendment for notice and comment, but rather requested the Amex to provide additional amendments to the filing that would address the Commission's concerns. In response, Amex submitted Amendment No. 2 to the filing on February 7, 1985. Amendment No. 3 to the filing was submitted on May 20, 1985 restating Amex's "issuer's choice" program that permits issuers to determine which Amex specialist will be allocated its stock under certain circumstances. See Securities Exchange Act Release No. 22312, August 12, 1985, 50 FR 33139 and note 15 *infra* discussing Amex's issuer

received in connection with the proposal.

Under Amex Rule 170, if the Exchange determines that a specialist substantially or continuously fails to engage in a course of dealing calculated to assist in the maintenance of fair and orderly markets or fails to meet other performance standards, it may suspend or revoke the specialist's registration in one or more assigned securities. Pursuant to the rule, Amex has proposed procedures for the evaluation of specialist performance and for the allocation and reallocation of securities. The procedures are designed to measure, among other things, the quality of specialist performance utilizing certain performance-based criteria and to provide an incentive for quality performance both through the Exchange's allocation process and through the imposition of non-disciplinary sanctions, including the reallocation of stocks for continued unsatisfactory specialist performance.

#### II. Description of the Proposal

##### A. Performance Measurement Criteria

Amex's Committee on Specialist and Registered Trader Performance ("Performance Committee")<sup>4</sup> has been delegated authority to review and evaluate specialist performance. The Performance Committee assesses specialist performance utilizing two evaluation tools: (1) A quarterly specialist unit evaluation questionnaire ("questionnaire"), which elicits the opinions of floor brokers regarding the overall performance of a specialist, and (2) Performance Committee ratings, which are based upon a review of trading data and evaluation of market making performance on questionable trades identified by Amex staff over the course of an evaluation period. In addition, the procedures contain minimum standards of acceptable specialist performance. Any specialist whose market making performance falls below the designated threshold levels will be subject to a variety of remedial

choice program. Amendment No. 4 to the filing revises the Exchange's Specialist Unit Evaluation Questionnaire and was submitted on March 17, 1988. See Securities Exchange Act Release No. 25542, March 31, 1988, 53 FR 11387. Amendment No. 5, submitted on April 14, 1989, makes some clarifying amendments and codifies Amex's existing policy on the inability of a specialist and its firm to compete for new allocations when the specialist is a member of the Allocations Committee.

<sup>4</sup> The Performance Committee is appointed by Amex's Board of Governors ("Board") and is charged with evaluating specialist performance as well as taking appropriate corrective action to improve the quality of Amex markets.



measures, including possible reallocation of their specialty stock(s).

#### 1. The Specialist Unit Evaluation Questionnaire

Under its specialist evaluation procedures, Amex distributes the questionnaire on a quarterly basis to floor brokers and registered traders who are requested to evaluate a specialist's performance based upon their floor contact with the unit. Amendment No. 4 to SR-Amex-83-27 substantially revises the questionnaire.<sup>6</sup> Among other things, the revisions expand from 4 to 26 the number of questions contained on the questionnaire. In addition, the Exchange proposes to replace the existing numerical grading scale with a new alphabetical rating scale. Respondents will grade a specialist unit's performance for each question utilizing A, F, S, O, and N, where A=Always, F=Frequently, S=Satisfactory, O=Occasionally, N=Never. The alphabetical rating is translated into a numerical rating by correlating A to 1, F to 2, S to 3, O to 4, and N to 5. The rating is then compared to the average of all units and, depending on the deviation from the average, the unit is assigned a numerical rating between 1 and 5 which is provided to the Allocations Committee.<sup>8</sup> Any specialist that receives a 4 or 5 rating on the questionnaire in any quarter is automatically precluded from applying for new allocations until its questionnaire rating improves. In addition, the Performance Committee will consider recommending the reallocation of a unit's specialty stock where the unit receives a 4 or 5 overall questionnaire rating, coupled with a similar Performance Committee rating, over two consecutive quarters and where lesser remedial efforts designed to improve the unit's performance have failed.<sup>7</sup>

#### 2. Performance Committee Ratings

As provided by the procedures, the Performance Committee, or a subcommittee thereof, meets regularly with the staff of Trading Analysis to review specific instances of poor performance by a specialist which have been uncovered by an analysis of certain trading data, including daily transaction journals, information from

automated exception reports, specialist principal trading activity reports, and customer complaints. The Performance Committee reviews the questionable trades for market continuity, depth, stabilization, and quotation spread. In addition, the Performance Committee may meet with members of the particular unit under review, at which time the unit is provided an opportunity to defend its performance.<sup>8</sup>

The Performance Committee rates the specialist's performance on a scale of 1 (least severe) to 6 (most severe) based upon its determination of the severity of a particular instance of poor performance. In those instances in which a unit is assigned a rating of 3, the Performance Committee will consider the imposition of remedial action; however, such action is within the discretion of the Performance Committee. A rating of 4, 5, or 6 automatically triggers the imposition of one or more remedial measures, including an admonitory letter, preclusion from future allocations, suspension of a specialist's registration, or a recommendation of reallocation of one or more of the specialist's registered securities to the Allocations Committee.<sup>9</sup>

Performance Committee ratings are divided into two categories: interim Performance Committee ratings and quarterly Performance Committee ratings. Under the first category of ratings, Performance Committee reviews only are triggered by individual instances of performance weakness by a specialist. The Performance Committee assigns the specialist a rating which may or may not trigger remedial action, depending upon the severity of the particular trade(s) under review. The Performance Committee's quarterly ratings are based upon any interim ratings conferred throughout the quarterly evaluation period. The interim Performance Committee ratings are noted in the specialist unit's permanent performance file maintained by Trading Analysis, which is made available to the Allocations Committee.<sup>10</sup> Each interim

performance rating serves to lessen a unit's overall quarterly rating.

The Performance Committee also reviews the permanent performance files of all specialists on a quarterly basis. Each unit is given a composite rating based on the number and severity of individual ratings in the unit's permanent file in relation to the number of its assigned stocks.<sup>11</sup> The Performance Committee then produces a final rating on a 1 (highest) to 5 (lowest) scale determined by the deviation from the average. A specialist unit receiving a score of 4 or 5 is ineligible for new allocations until its ratings improve in the next or a subsequent quarter.

#### B. Allocation and Reallocation Procedures

##### 1. Allocation Procedures

When the Exchange has approved an issue for listing, a new Allocations Committee is convened.<sup>12</sup> In allocating the new listing, the Allocations Committee considers a variety of factors; however, the most significant factors considered by the Allocations Committee are Performance Committee ratings, questionnaire ratings and statistical data concerning the particular issue to be allocated and each applicant unit. This data is provided to each Allocations Committee on the Summary Statistics for Allocations Committee Sheet ("Statistic Sheet").<sup>13</sup> All

<sup>11</sup> According to the Amex, specialist units whose performance does not trigger a review under the interim procedures will generally receive an excellent/quarterly performance rating.

<sup>12</sup> The Allocations Committee has been delegated authority by Amex's Board to allocate and reallocate equity securities to specialist units. It is composed of eight members, including a Committee chairman, who is generally a floor governor and only votes to break a tie. The seven voting members consist of six floor brokers (chosen from a roster of approximately 25 brokers) and one specialist (chosen from a roster of approximately 15 specialists). Four floor brokers and the specialist are selected on a rotating basis from their respective rosters. In order to preserve continuity from one Committee to another the remaining two floor brokers on the Committee are selected from a subgroup of the floor broker roster and serve five consecutive Committees. Allocations Committee action is triggered by the vote of two-thirds of the voting members. See Amendment No. 2, pg. 12.

<sup>13</sup> The statistics sheet contains aggregate statistical information about all specialist units regarding the number of issues per unit per specialist, average daily equity and option volume per specialist for the most recent 12 and 3 month periods, manpower, average principal participation for each unit for the most recent six months, and the number of issues allocated in the last 12 months. In addition to this data, Trading Analysis also apprises the Allocations Committee of any pending changes in the composition of a unit and any relevant findings by Amex's Examination Division as to a unit's financial status.

<sup>6</sup> See Securities Exchange Act Release No. 25542, March 31, 1988, 53 FR 11387.

<sup>7</sup> The Exchange also proposes to redesignate the four major areas of performance evaluated on the questionnaire to include principal obligations, agency/fiduciary obligations, communication function, and auction market maintenance.

<sup>8</sup> See Securities Exchange Act Release No. 22312, August 12, 1985, 50 FR 33139 ("August 12, 1985 Release").

<sup>9</sup> See SR-Amex-83-27, Amendment No. 2 ("Amendment No. 2"), pg. 5.

<sup>10</sup> See Amendment No. 2, pg. 6.

<sup>11</sup> We note, however, that under the procedures, an interim Performance Committee review may not necessarily result in the imposition of remedial action, if, for example, the specialist under review receives a 1 or 2 interim Performance Committee rating. Such a rating would indicate that while the specific trades raised sufficient concerns to merit an interim review, they were not serious enough to warrant Performance Committee action.



specialist units are deemed to have applied for each stock allocation, except (1) the specialist firm whose member is scheduled to serve on the Allocations Committee for the particular allocation meeting;<sup>14</sup> (2) those units that are subject to an allocation freeze due to poor performance ratings; or (3) those units that have withdrawn from consideration for a particular allocation by letter because of a conflict of interest or the incompatibility of the issue to be allocated with the unit's current portfolio of stocks. In addition, the Allocations Committee is provided with any letters from specialist unit applicants written in support of their applications. Under Amex's issuer's choice program, a new Amex issuer is permitted to select its specialist unit from a list of seven specialists selected by the Allocations Committee based on performance related criteria. Another option allows newly-listed companies to eliminate up to three specialists from a list of ten specialists, compiled by the Allocations Committee, considered eligible for the company's listing. The Allocations Committee makes a final selection from the units remaining on the list.<sup>15</sup>

## 2. Reallocation Procedures

Under Amex reallocation procedures, an Allocations Committee is convened to reallocate securities in the following circumstances. First, reallocation

proceedings are commenced when the Performance Committee recommends the reallocation of a unit's specialty stock due to (1) the failure of the unit to maintain satisfactory performance in a particular instance, (2) consistently poor performance ratings,<sup>16</sup> or (3) a significant change within a unit, such as a merger or dissolution. Second, a stock will be reallocated if a specialist requests withdrawal of its registration in a particular security. Third, a specialist's registration in a specialty stock can be cancelled by the Allocations Committee as a result of disciplinary action. Finally, the Exchange may reallocate one or more of a specialist unit's securities on an emergency basis, if it determines that the unit is in such financial or operating condition so as to jeopardize the safety of investors, its creditors or other Exchange members.<sup>17</sup>

## D. Procedural Safeguards

Under the procedures, all specialists are appraised of their performance ratings throughout the evaluation process and are offered an opportunity to meet with the Performance Committee or one of its subcommittees. In addition, a specialist subject to a performance review or that is required to appear before the Performance Committee may be represented by legal or other counsel, if it so desires.<sup>18</sup>

## 1. Individual Performance Ratings

Each time a specialist's performance is reviewed by a subcommittee or the full Performance Committee, the specialist unit is notified of the review and given access to all materials to be reviewed. Specialist unit members are provided an opportunity to meet with the Performance Committee to defend their performance or to revise mitigating factors; in some instances more than one meeting may be necessary, particularly in those cases in which the questionable performance is complex or potentially serious. Following the Performance Committee's ratings, a member of the Performance Committee meets with members of the specialist unit to discuss

the Performance Committee's rationale for its rating.<sup>19</sup>

## 2. Quarterly Performance Ratings

Meetings between the Performance Committee, or a subcommittee thereof, and a specialist unit to discuss the specialist's final quarterly performance rating may be at the specialist's or the Performance Committee's request, depending upon the final quarterly performance rating conferred. Meetings between a specialist receiving a rating of 1 to 3 and the Performance Committee are generally convened at the specialist's request. In the case of a 4 or 5 rating, the unit is requested to meet with the subcommittee of the Performance Committee and Trading Analysis to discuss the Performance Committee's rating and measure for improvement. In addition, in those instances in which a specialist unit that receives a 4 or 5 rating has received substandard ratings in previous quarters, follow-up meetings are held as needed during the subsequent quarter to closely monitor the remedial measures being taken by the unit.

## 3. Performance Reallocations

In any case in which the Performance Committee determines that it will consider recommending the reallocation of a security or securities as a result of poor performance, it first provides written notice and an opportunity to be heard to the particular specialist. The written notice contains the specific grounds to be considered as the basis for the reallocation. If a specialist unit does not wish to be present at a hearing, it is required to sign a waiver of the right to a hearing.

The members of the specialist unit have an opportunity to be heard on the specific grounds to be considered by the Performance Committee and a written record of any such hearing is maintained. Following the reallocation hearing, the Performance Committee informs the members of the unit in writing of its determination and its basis therefor. The decision of a majority of the members of the Performance Committee is final, subject to the unit's right to appeal the decision to Amex's Board.<sup>20</sup>

<sup>14</sup> Under the policy, both the specialist Allocations Committee member and his firm are ineligible to apply for any stock to be allocated by the Allocations Committee in its regularly scheduled meeting. The ban on the firm's participation in the allocation process is only triggered when one of its specialists sits on the Allocations Committee; however, because a new Allocations Committee consisting of new members is convened for each allocation, the specialist Allocations Committee member's firm is only affected by the ban for that particular meeting or until another specialist is selected to serve on the Allocations Committee. See Amendment No. 5, dated April 14, 1989.

<sup>15</sup> See generally, Securities Exchange Act Release No. 23593, September 5, 1986, 51 FR 32985. We note that in implementing the optional allocation programs, Amex adopted guidelines designed to ensure that pre-allocation contacts between issuers and Amex specialists are appropriate. Under the guidelines, specialists are required to notify Amex's Marketing Department of any contact they wish to initiate with unlisted companies. Amex could, in these instances, request the units to avoid making such contacts if it believes such activities could hinder its marketing efforts or otherwise be inappropriate. In addition, specialists are required to report all unplanned contacts with prospective companies. Once an issuer determines to list on Amex, specialists are barred from making contact with the company. Moreover, if a newly-listed issuer wishes to interview one or more of Amex's final list of seven specialists under its issuer's choice program, Amex offers to arrange telephone interviews or in person interviews on its premises. Failure by a specialist to comply with the guidelines could result in disciplinary action. *Id.*

<sup>16</sup> For example, the Performance Committee will consider recommending a reallocation of a unit's stock if the unit's performance remains unsatisfactory despite remedial efforts for two consecutive quarters, as demonstrated by a 4 or 5 questionnaire or Performance Committee rating. See Amendment No. 2, pg. 16.

<sup>17</sup> Under these procedures, Amex's Chairman of the Board or President, in consultation with all Floor Governors available, has the power to recommend an Emergency Reallocation for the reasons noted above. See August 12, 1985 Release and Amendment No. 2, pgs. 16 and 21.

<sup>18</sup> See Article V, section 1(a) of Amex's Constitution.

<sup>19</sup> See August 12, 1985 Release.

<sup>20</sup> In this regard, we note that all specialist units are entitled to appeal Performance or Allocations Committee decisions to Amex's Board. The appeals are heard *de novo* and are adjudicated by the Board's Executive Committee. All Executive Committee decisions are final. See Article II, Section 2 of Amex's Constitution.



### III. Discussion

The Commission strongly supports efforts by the Amex and other exchanges to encourage quality specialist performance through its specialist performance evaluation process. We note that in designing its program, Amex reviews both broker evaluations and trading data, evaluating market making performance on questionable trades, to monitor and identify those specialist units whose performance, either on an individual or continuous basis, falls below minimum acceptable standards contained in the procedures. The Commission believes that the performance evaluation measures adequately should address performance weakness by specialist units and should be useful to motivate specialists to improve their performance. Accordingly, after reviewing Amex's proposal, we believe that it is consistent with the requirements of the Act, particularly Section 6, and will strengthen the Exchange's specialist system as well as further investor protection and the public interest.

With regard to Amex's questionnaire, the Commission believes that the expansion of the number of survey questions from 4 to 26 is a significant improvement and should enhance this portion of the procedures for several reasons. The additional questions should enable Amex to elicit broker opinions on specialist performance in a broader range of performance areas. In this regard, we note that although specialist performance will continue to be analyzed in four major categories, each category will now contain more questions intended to address the different aspects of the particular performance category. As a result, the expanded questionnaire should provide Amex with more information to consider when assessing specialist performance, thereby ensuring that final questionnaire ratings will be more balanced and comprehensive.

In addition to the questionnaire, the Commission believes that Performance Committee ratings should facilitate the identification of poorly performing specialists on a continuous basis. In this connection, although overall performance evaluations are conducted quarterly, Amex constantly will monitor specialist trading activity to detect questionable trades; once Amex identifies trading irregularities it will be able to evaluate the specialist's performance and impose any specific remedial measures where appropriate. Further, the Commission believes that the factors employed in reviewing

trading activity analyzing continuity, depth, stabilization, and quotation spreads should provide Amex with an accurate and reliable measure of the quality of specialist performance. Accordingly, the Commission believes that the combination of a questionnaire and review of trading data for each unit should provide Amex with a balanced, comprehensive assessment of specialist performance, and, as noted above, simplify the task of identifying and correcting performance weakness among specialists.

While the Commission generally believes that Amex's procedures are adequate, the absence of relative performance standards in Amex's procedures raises concern. The Commission has long favored the incorporation of relative performance standards into the specialist evaluation process so that specialists who were regularly among the lowest ranked specialist units would be subject to performance reviews, regardless of whether their performance met a predetermined level of unacceptable performance.<sup>21</sup> The need for Amex to adopt such relative performance standards has been highlighted by specialist performance on the Amex during the October market break. In the Division of Market Regulation's ("Division") report on the October 1987 market break, the Division examined specialist performance on the Amex on October 19 and 20, 1987.<sup>22</sup> Although some Amex specialists appeared to perform well under the adverse conditions, the Division found a general decline in overall specialist performance on October 19 and 20 and found several instances of questionable individual specialist performance. In addition, the Division noted its concern about the number of stocks that never opened due to order imbalances and the large number of trading halts and delayed openings in Amex stocks. The Division concluded that the wide disparity in specialist performance underscored the need for the Amex to develop relative, objective standards of performance for evaluating specialists.<sup>23</sup> The

Commission continues to believe that the adoption of relative performance measures would substantially strengthen Amex's evaluation procedures, and again, strongly urges the Amex to develop such procedures in the near future.<sup>24</sup>

The Commission also believes that the powers available to Amex to address poor performance, in addition to the actual exercise of these powers, is extremely important. In particular, we believe that the remedial measures available to Amex, such as preclusion from future allocations or the reallocation of stocks, should provide a strong incentive for units to improve or maintain quality performance. Moreover, the Commission believes that Amex's procedures contain sufficient procedural safeguards to ensure that specialists whose performance triggers some form of review will receive the appropriate notice and opportunity to be heard. Under the procedures, specialists are guaranteed the opportunity to be heard before the Performance Committee or one of its subcommittees throughout the evaluation, allocation, and reallocation process. In addition, as mentioned earlier, when required to appear before the Performance Committee for a hearing, the specialist unit may be represented by legal or other counsel. Written notice is provided to specialists required to appear before the Performance Committee, a written record is maintained of the hearing, and the specialist unit is provided with a written decision containing the Committee's rationale for its determination. Specialists may also appeal a Performance Committee decision through Amex's appellate process. The Commission believes that these procedures should adequately safeguard the rights of specialists subject to remedial action.

Finally, the Commission believes that the allocation guidelines adopted by Amex are appropriate. In particular, the Commission believes that Allocations Committee consideration of both the

<sup>21</sup> See e.g., letters from Douglas Scarff, Director, Division of Market Regulation, to John J. Phelan, Jr., President, New York Stock Exchange ("NYSE"), dated November 10, 1981 and August 18, 1982; letter from Richard G. Ketchum, Director, Division of Market Regulation to John J. Phelan, Jr., dated July 30, 1986 and Securities Exchange Act Release No. 34-25681, May 9, 1988, 53 FR 17287 approving the NYSE's specialist performance evaluation and improvement program on a two year pilot basis.

<sup>22</sup> See Division of Market Regulation, *The October 1987 Market Break*, February 1988 at 4-29.

<sup>23</sup> *Id.* at xviii.

<sup>24</sup> We also believe Amex's procedures could be improved by the development of threshold levels of acceptable performance in a variety of areas capable of objective evaluation such as timeliness of openings. In addition, although the Performance Committee analyzes depth, continuity, stabilization and quotation spreads on particular trades that raise concerns, minimum standards should be developed for evaluating overall market making performance among all specialists. Despite these recommendations and the absence of relative performance standards, as discussed further in this Section, Amex's proposed policy meets the requirements of the Act and is an important step to encourage improved specialist performance.



Performance Committee and broker evaluation ratings, in addition to other supplemental data such as a unit's dealer participation rates, staffing and current number of Amex stocks, should ensure that the Committee reviews a broad range of factors in its allocation awards.<sup>25</sup> Accordingly, because allocation awards will be largely based upon a unit's on-floor performance, the Commission believes that the allocation process should provide a significant incentive for specialists to strive for optimal performance in order to compete successfully for additional listings.<sup>26</sup> Such superior performance should, in the Commission's view, enhance market quality as well as facilitate the execution of public orders, which ultimately benefits the Exchange, its specialist community and the investing public.

#### IV. Conclusion

In assessing Amex's proposal, a primary Commission concern has been that the evaluation procedures serve as a meaningful incentive for quality specialist performance. The Commission believes that Amex's evaluation program addresses this concern as well as additional concerns regarding such issues as due process protection and proper evaluation procedures. Accordingly, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

<sup>25</sup> We note, that the Allocations Committee's consideration of statistical data also includes a review of the number of new allocations a unit received over the preceding year. While the Commission believes that this information can be marginally useful for deciding close contests for a new allocation, the Commission nonetheless believes that recent allocations should not be used to preclude a more clearly qualified specialist unit from receiving a new listing. Accordingly, Amex has stated that this criterion only will be used when reviewing the applications of specialist units that are equally qualified to receive an allocation as determined by the measures noted above. See Letter from Jules L. Winters, Senior Vice President, Trading Analysis and Market Operations, Amex, to Sharon Lawson, Special Counsel, Division of Market Regulation, Securities and Exchange Commission.

<sup>26</sup> In this regard, the Commission believes that the key criteria for allocating stocks to specialist units should be specialist performance as evidenced by the result of Amex's evaluation process.

Dated: November 22, 1989.

Jonathan G. Katz,  
Secretary.

[FR Doc. 89-27934 Filed 11-28-89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-27460; File No. SR-MSRB-89-8]

#### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Calculation of Price and Yield on Continuously Callable Securities

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 20, 1989, the Municipal Securities Rulemaking Board ("Board") filed with the Securities and Exchange Commission a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

##### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Municipal Securities Rulemaking Board (the "Board") is filing an interpretation of rules G-12 and G-15 (hereafter referred to as the "proposed rule change") concerning calculation of price and yield on continuously callable securities. The proposed rule change applies the Board's previous interpretations in this area to the securities in question.

##### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) The Board received an inquiry asking for guidance on the proper method of computing price from yield in transactions involving municipal securities that are "continuously callable" after the first optional call date. The procedure for calculating price to call for these issues is the same as for other securities with declining premium calls. Dealers must take the lowest price possible from the operation of an "in-whole" call feature, compare it to the price calculated to maturity and use the lower of the two figures on the confirmation. For settlement dates prior

to the first "in-whole" call, it generally should be sufficient to check the first and intermediate call dates (including the par call), determine which produces the lowest price, and compare that price to the price calculated to maturity. For settlement dates occurring after the first "in-whole" call date, it must be assumed that a notice of call could be published on the day after trade date, which would result in the redemption of the issue 31 days after trade date. The price calculated to this possible redemption date should be compared to prices calculated to subsequent intermediate call dates and the lowest of these prices used as the price to call. The price computed to call then can be compared to the price computed to maturity and the lower of the two included on the confirmation. If a price to call is used, the date and redemption price of the call must be stated. Identical procedures are used for computing yield from price for display on customer confirmations under rule G-15(a).

The Board's response applies the Board's previous interpretations in this area to the securities in question; however, the question is novel and may involve a number of different issues of municipal securities.

(2) The Board has adopted the proposed rule change pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, which directs the Board to propose and adopt rule which are:

designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in investors and the public interest \* \* \*.

###### B. Self-Regulatory Organization's Statement on Burden on Competition

The Board believes that the proposed rule change will not have any impact on competition since it applies equally to all municipal securities brokers and dealers.

###### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Board has not solicited or received comments on the proposed rule change. As noted previously, the Board's consideration of the proposed rule change was prompted by an interpretive inquiry.



### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities, and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by December 20, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: November 21, 1989.

Jonathan G. Katz,  
Secretary.

[FR Doc. 89-27935 Filed 11-28-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27450; File No. SR-MSRB-89-7]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Confirmation Requirements for Partially Refunded Securities.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15

U.S.C. 78s(b)(1), notice is hereby given that on October 20, 1989, the Municipal Securities Rulemaking Board ("Board") filed with the Securities and Exchange Commission a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

A. The Municipal Securities Rulemaking Board (the "Board") is filing an interpretation of rules G-12 and G-15 (hereafter referred to as the "proposed rule change") concerning confirmation requirements for partially refunded securities. The proposed rule change restates the Board's previous interpretation on computing price from yield in these transactions.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) The Board received an inquiry asking for guidance on the proper method of computing price from yield and the proper securities description for securities that are "partially prerefunded." The Board's response restates the Board's previous interpretation on computing price from yield in these transactions.

Rules G-12(c) and G-15(a) govern inter-dealer and customer confirmations, respectively. Rules G-12(c)(v)(I) and G-15(a)(i)(I) require the dollar price computed from yield and shown on the confirmation to be computed to the lower of call date or maturity. For purposes of computing price to call, only "in-whole" calls, of the type which may be exercised in the event of a refunding, are used. Accordingly, the Board previously has concluded that the sinking fund redemption in the type of issue described should be ignored and the dollar price should be calculated to the lowest of the "in-whole" call date for the issue (i.e., the redemption date of the prerefunding) or maturity. In addition, the stated maturity date must be used for the calculation of price to maturity rather than any "effective" maturity which results from the operation of the sinking fund redemption. Identical rules apply when calculating yield from dollar price. The parties to a transaction may

agree to calculate price or yield to a specific date, e.g., a date which takes into account a sinking fund redemption. If this is done, it should be noted on the confirmation.

The Board's response also provides guidance on the securities description required for the securities under rules G-12 and G-15. Rules G-12(c)(v)(E) and G-15(a)(i)(E) require that confirmations of securities that are "prerefunded" include a notation of this fact along with the date of "maturity" that has been fixed by the advance refunding and the redemption price. The rules also state that securities that are redeemable prior to maturity must be described as "callable." In addition, rules G-12(c)(vi)(I) and G-15(a)(iii)(I) state that confirmations must include information not specifically required by the rules if the information is necessary to ensure that the parties agree to the details of the transaction. Since, in this case, only a portion of the issue will be chosen by lot and redeemed at a premium price under the prerefunding, this fact must be noted on the confirmation. As an example, the issue could be described as "partially prerefunded to [redemption date] at [premium price] to be chosen by lot—callable." The notation of this fact must be included within the securities description shown on the front of the confirmation.

(b) The Board has adopted the proposed rule change pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, which directs the Board to propose and adopt rules which are

\* \* \* designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest \* \* \*.

#### B. Self-Regulatory Organization's Statement on Burden on Competition

The Board believes that the proposed rule change will not have any impact on competition since it applies equally to all municipal securities brokers and dealers.

#### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Board has not solicited or received comments on the proposed rule change. As noted previously, the Board's



consideration of the proposed rule change was prompted by an interpretative inquiry.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The forgoing rule change has become effective pursuant to section 19(b)(3)(A) of the Securities Exchange Act 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by December 20, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: November 17, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-27936 Filed 11-28-89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-17233; 812-7306]

### The Glenmede Fund, Inc.; Application

November 21, 1989.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for exemption under the Investment Company Act of 1940 ("1940 Act").

*Applicant:* The Glenmede Fund, Inc.  
*Relevant 1940 Act Sections:*

Exemption requested under section 6 (c) from the provisions of section 12 (d)(3) of the 1940 Act.

*Summary of Application:* Applicant seeks a conditional order permitting it, on behalf of its International Portfolio and any other present or future investment portfolio of the Applicant that will invest in the securities of foreign issuers, to acquire equity securities issued by foreign issuers who derived more than 15% of their gross revenue from activities as a broker, dealer, underwriter, or investment adviser in their most recent fiscal year ("foreign securities companies").

*Filing Date:* The application was filed on April 24, 1989, and an amendment to the application was filed on October 18, 1989.

*Hearing or Notification of Hearing:* An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on December 19, 1989, and should be accompanied by proof of service on applicant, in the form of an affidavit or for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, Vanguard Financial Center, P.O. Box 1102, Valley Forge, PA 19482-1102.

**FOR FURTHER INFORMATION CONTACT:** H.R. Hallock, Jr., Special Counsel, at (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier who can be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

### Applicant's Representations

1. The Applicant is registered under the 1940 Act as an open-end management investment company. It

currently is comprised of four investment portfolios.

2. The investment objective of the Applicant's International Portfolio is to provide maximum long-term total return for shareholders, consistent with reasonable risk to principal. The International Portfolio seeks to achieve its objective by investing primarily in common stocks and other equity securities of companies located outside the United States. The investment adviser of the International Portfolio is The Glenmede Trust Company.

3. Applicant wishes to make portfolio investment in equity securities of foreign securities companies. Applicant's proposed acquisitions of securities issued by foreign securities companies will satisfy each of the requirements of the Commission's proposed amendments to Rule 12d3-1 under the 1940 Act (Investment Company Act Release No. 17096 (Aug. 3, 1989)) (the "Proposed Amended Rule 12d3-1"), including those requirements for foreign securities set forth in Proposed Amended Rule 12d3-1 (b) (5). Applicant will comply with the provisions of Proposed Amended Rule 12d3-1 as it may be repropounded, adopted or amended.

4. In particular (but without modifying in any respect the exact conditions set forth in Proposed Amended Rule 12d3-1 (b)(5)), Applicant will limit its investments in equity securities of foreign securities companies to those that (a) have been listed on a qualified foreign exchange (as defined in Proposed Amended Rule 12d3-1) for at least six months prior to the acquisition, (b) have had an average daily trading volume for the past six months of at least 500 shares which is equal in value to at least \$25,000, (c) are part of a class of equity securities with at least 400,000 shares outstanding, excluding shares held by officers, directors and 10% owners, (d) are securities of issuers with at least \$4 million in capital, surplus, and undivided profits as defined under generally accepted accounting principles or the substantial equivalent of such items, (e) are securities of an issuer which has been in existence at least three years, (f) are securities of an issuer which is current since the beginning of its last fiscal year on all filings and reports required by the laws of its home country and the rules of the stock exchange on which it is listed, and (g) are quoted daily as to both bid and asked prices and such prices are continuously available to the public.



**Applicant's Conclusions of Law**

1. In its current form, Rule 12d3-1 under the 1940 Act in effect limits an investment company's ability to invest in securities of foreign securities related businesses. This limitation results from the requirement in Rule 12d3-1 that an eligible security of a securities-related business be a "margin security."

2. The primary concerns addressed by section 12(d)(3)—entrepreneurial risk of investing in securities-related businesses structured as partnerships and potential conflicts of interests between an investment company's shareholders and its investment adviser, underwriters or other brokers—are not relevant in Applicant's context. Applicant does not intend to purchase any general partnership interest in securities-related businesses. Since Applicant's own shares are sold by the Applicant, the concern that Applicant might purchase shares in a broker-dealer for selling its shares is not relevant.

**Applicant's Condition**

The Applicant agrees that the following condition may be imposed in any order of the Commission granting the requested relief: Applicant will comply with the provisions of Rule 12d3-1 (Investment Company Act Release No. 17096 (Aug. 3, 1989), 54 FR 33027 (Aug 11, 1989)) as such Rule is currently proposed and as it may be repropoed, adopted, or amended.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 89-27937 Filed 11-28-89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-17232; (812-7424)]

**Public Facility Loan Trust; Application**

November 20, 1989.

**AGENCY:** Securities and Exchange Commission (the "Commission").

**ACTION:** Notice of application for exemption under the Investment Company Act of 1940 ("1940 Act").

*Applicants:* Shawmut Bank, N.A., not in its individual capacity, but solely as trustee ("Applicant" or "Owner Trustee"), on behalf of the Public Facility Loan Trust ("Trust").

*Relevant 1940 Act Section:* Order requested under section 6(c) from the provisions of Rule 8b-16 under section 8(b) of the 1940 Act.

*Summary of Application:* The Applicant, serving as Owner Trustee on

behalf of the Trust, seeks an order amending the order issued in connection with the issuance of bonds and two classes of certificates of beneficial interest in the Trust collateralized by certain loans originated by the United States Department of Housing and Urban Development in Investment Company Act Release No. 16502 (July 28, 1988) as part of the United States Government Loan Assets Sales Program. The amended order would include an additional exemption from the requirement that the Trust file an annual amendment to its Registration Statement on Form N-2.

*Filing Date:* The application was filed on November 3, 1989.

*Hearing or Notification of Hearing:* An order granting the application will be issued unless the Commission orders a hearing. Any interested person may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m., on December 18, 1989, and should be accompanied by proof of service on the Applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

**ADDRESS:** Secretary, SEC, 450 Fifth Street, NW, Washington, DC 20549; Applicant, One Federal Street, Boston, MA 02110.

**FOR FURTHER INFORMATION CONTACT:** Bibb L. Strench, Staff Attorney, (202) 272-2856 or Karen L. Skidmore, Branch Chief, (202) 272-3023, Office of Investment Company Regulation.

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person, or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

**Applicant's Representation**

1. The Trust, a Massachusetts business trust, is registered as a closed-end management investment company under the 1940 Act. By order dated July 28, 1988, (Investment Company Act Release No. 16502) ("Prior Order"), the Trust was exempted pursuant to section 6(c) from the provisions of sections 10(h), 14(a), 16(a), 17(a) and (d), 18(a), (c), and (i), and 32(a) of the 1940 Act in connection with the issuance of bonds and two classes of certificates of beneficial interest in the Trust

collateralized by certain loans originated by the United States Department of Housing and Urban Development.

2. The Trust is a passive entity similar to a unit investment trust. The activities of the Owner Trustee are limited to receiving payments from the bond trustee while the bonds are outstanding and payments on the loans thereafter, and to making current distributions to certificateholders of the amounts received. Under the Prior Order, the Owner Trustee complies with Section 26 of the 1940 Act (with certain exceptions) as if the Trust were a unit investment trust. The Trust is not issuing, nor is it permitted to issue, additional securities in any public offering.

3. The Applicant seeks to amend the Prior Order to obtain an additional exemption from Rule 8b-16 under section 8(b) of the 1940 Act. Rule 8b-16 provides in relevant part that a registered management company which is required to file a semi-annual report on Form N-SAR, as prescribed by Rule 30b1-3, must amend the registration statement required under section 8(b) by filling the appropriate form prescribed for such amendments not more than 120 days after the close of each fiscal year ending on or after the date upon which the registration statement was filed.

**Applicant's Legal Conclusion**

4. The Applicant states that the concerns of Rule 8b-16 are fully satisfied as a result of other filings and reports required to be made by the Trust. Financial statements of the Trust are currently sent to the Commission and to the certificateholders of the Trust pursuant to the rules and regulations promulgated under section 30 of the 1940 Act. In addition, holders of the bonds issued by the Trust receive financial reports from the bond trustee. Thus, the requested exemption is consistent with the protection of investors because it would not result in withholding any information from investors that they do not already receive on a routine basis. Further, the preparation of annual amendments to the Registration Statement of the Trust on Form N-2 would impose an unnecessary burden of additional administrative and legal expenses which would be borne by the certificateholders with no countervailing benefits. Lastly, unit investment trusts are not subject to the requirement of Rule 8b-16 that annual amendments be filed to registration statements. For these reasons, the Applicant states that the requested exemption is necessary and appropriate in the public interest and is consistent with purposes fairly



intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 89-27938 Filed 11-28-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-17236; File No. 812-7310]

# **Western Life Insurance Co. et al; Application**

Date: November 21, 1989.

**AGENCY:** Securities and Exchange Commission (the "Commission").

**ACTION:** Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

**Applicants:** Western Life Insurance ("Western Life"), Variable Account C of Western Life Insurance Company ("Account C"), and AMEV Investors, Inc. ("Investors").

**Relevant 1940 Act Sections and Rules:** Exemptions requested under section 6(c) from the provisions of sections 2(a)(32), 22(c), 26(a)(2)(C), 27(a)(3), 27(c)(1), 27(c)(2), and 27(d) of the 1940 Act and Rules 22c-1 and 6e-3(T)(b)(12), (b)(13) and (d)(1)(ii) thereunder.

**Summary of Application:** Applicants seek an order to the extent necessary to permit them to issue flexible premium variable life insurance policies that enable Western Life to (1) credit the policyholder's account with a "policy value advance" and later recover the policy value advance from the assets of Account C through a \$4.00 monthly deduction and a daily deduction at an annual rate of .27% of the value of the policy's net assets; (2) deduct any premium tax charge not previously deducted as part of a contingent deferred charge; and (3) deduct sales charges, in part, by means of a constant \$4.00 monthly charge, and by means of charges that may cease and resume under certain circumstances. These sales charges may be deemed to be higher in one period than in a prior period due to the operation of the policy value advance feature of the policies.

**FILING DATE:** The application was filed on May 5, 1989 and amended on July 31, 1989 and October 30, 1989.

**Hearing or Notification of Hearing:** If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the Commission by 5:30 p.m., on December 18, 1989. Request a

hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the Commission, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of that date of a hearing by writing to the Secretary of the Commission.

**ADDRESSES:** Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Western Life, Account C and Investors, 500 Bielenberg Drive, Woodbury, Minnesota 55125.

**FOR FURTHER INFORMATION CONTACT:** Heidi Stam, Staff Attorney, (202) 272-3017, or Clifford E. Kirsch, Acting Assistant Director, (202) 272-2061 (Division of Investment Management).

**SUPPLEMENTARY INFORMATION:** Following is a summary of the application; the complete application is available for a fee from either the Commission's Public Reference Branch in person or the Commission's commercial copier, (800) 231-3282 (in Maryland (301) 258-4300).

## **Applicants' Representations**

1. Western Life, a Minnesota corporation, established Account C pursuant to the insurance laws of Minnesota as a segregated investment account for the purpose of funding variable life insurance policies. Account C is registered with the Commission as a unit investment trust under the 1940 Act. Investors, an affiliated company of Western Life, is the principal underwriter for the policies and is registered as a broker-dealer under the Securities Exchange Act of 1934. Account C currently consists of five subaccounts, each of which invests exclusively in shares of a corresponding portfolio of AMEV Series Funds, Inc., a registered management investment company.

2. The policy permits the policy owner to select (and change from time to time) between two death benefit options. Under one of these options the "policy value" is added to the policy's "face amount" of insurance coverage for purposes of computing the death benefit. The policy owner also may change the face amount from time to time, subject to certain restrictions.

3. The policy may be fully surrendered at any time for its "surrender value," and, generally after the first policy year, the policy owner may make a partial withdrawal of surrender value once a year. The policy owner also may take out policy loans and has considerable

flexibility to vary the frequency and amount of premium payments.

4. The policy will not lapse for a specified number of years if certain minimum premium payments are made. For purposes of this guaranteed death benefit the premium payment requirement is based on monthly "minimum premiums." Mostly minimum premiums are also used, among other things, to make certain sales charge and "policy value advance" computations under a policy. Under various circumstances, different monthly minimum premiums may be used for different purposes, but in no case will the sum of twelve monthly minimum premiums with respect to a policy (or benefit change) exceed the "guideline annual premium" with respect to such policy (or change, respectively) as defined in Rule 6e-3(T)(c)(8).

5. The "policy value" is the amount available to earn a return for the policy owner pursuant to the policy. Unless prohibited in any state by applicable insurance law, a policy may be eligible for a credit in the form of a policy value advance on the last day of each of the 9th through 19th policy years. Eligible policies may receive a policy value advance only if, as of the date of the credit, (1) the cumulative amount of premiums paid over the life of the policy, less any outstanding policy loans, and less the cumulative amount of partial withdrawals taken by the policy owner, at least equals (2) the cumulative monthly minimum premiums to date. If the premium requirement is not met for any credit, no further policy value advances will be paid. Western Life currently intends that, for eligible policies, the policy value advance paid at the end of the 9th policy year will equal 10% of the average of the total monthly minimum premiums for each year to date. At the end of each of the 10th through 19th policy years, Western Life intends to make similar policy value advances to policies that continue to be eligible, in the amount of 10% of the average minimum premiums for each year to date. Any policy value advance will be allocated among the investment alternatives then in use under the policy on a "pro rata basis." Following such allocation, these amounts will be credited with investment performance and otherwise be treated the same as any other amounts of policy value.

6. Policy value advances at the foregoing rate is not guaranteed, and Western Life reserves the right in its sole discretion to reduce it, subject to guaranteed minimum rates. The guaranteed rates are based on the insured's age at policy issue, as follows:



ages 0-40, 10%; ages 41-43, 9%; ages 44-46, 8.25%; ages 47-50, 7.5%; ages 51-55, 6%; ages 56-60, 5.5%; and 61-70, 5%.

7. Western Life will give policy owners notice that they may be forfeiting policy value advances by failing to make sufficient premium payments. Each year, a statement sent to the policy owner will tell the policyowner the dollar amount that he or she must pay for the year (plus any unpaid amounts from prior years) to be eligible for policy value advances. If no such premiums must be paid, this will be set forth on the statement.

8. Currently, a premium tax charge of 2.3% of all premium payments is assessed through monthly and daily deductions from policy value. Any portion of such monthly and daily deductions that is not recovered by Western Life pursuant to the monthly and daily deductions may be deducted as part of the surrender charge.

9. A sales charge in the amount of 7½% of all premium payments is also assessed through the monthly and daily deductions from policy value. Any amount of this sales charge that is not recovered by Western Life through these monthly and daily deductions may be deducted as part of the surrender charge.

10. The monthly deduction for premium tax and sales totals \$4.00 per month and the daily deduction for these purposes is at an aggregate annual rate of .27% of the value of the policy's net assets in Account C. These monthly and daily deductions, however, will be waived to the extent that the cumulative amount of all such deductions would exceed 9.8% of all premium payments made to date. Nor will these premium tax and sales charge deductions be made at any time when the similar deductions for a policy value advance are being made.

11. As part of the surrender charge, Western Life imposes an additional contingent deferred sales charge in the amount of 12% of premiums paid in the first two policy years that are not in excess of the sum of twelve monthly minimum premiums.

12. An additional amount of contingent deferred sales charge will be payable on certain total surrenders or policy lapses following an increase in face amount requested by the policy owner. The maximum additional contingent deferred sales charge will be 12% of the lesser of (1) the sum of twelve monthly minimum premiums for the face amount increase or (2) the amount of actual premium payments deemed attributable to the increase which are made not later than two years after the date of the increase. Any such

additional contingent deferred sales charge arising from a face amount increase is payable only as part of the surrender charge.

13. A charge for other policy issuance expenses is also imposed under a policy. This charge is \$5.00 per thousand dollars of a policy's initial face amount and also will be imposed following any increase in face amount. This charge is deducted only as part of the surrender charge. This charge will not exceed the amount permitted by Rule 6e-(T)(b)(13)(iii)(A).

14. The maximum surrender charge is the sum of the following components: (1) Any portion of the current 2.3% premium tax charge and the 7½% sales charge referred to above that has not yet been collected through the monthly and daily deductions; (2) the additional contingent deferred sales charge; and (3) the charge for other policy (or increase) issuance expenses. The entire surrender charge for the initial face amount and each face amount increase is subject to an overall upper limit or "cap," based on the insured's age and the face amount (or face amount increase). This cap decreases on the fifth and each subsequent policy anniversary (or face amount increase anniversary, as the case may be) until it reaches zero on the eleventh policy anniversary (or increase anniversary).

15. The amount of any policy value advance paid by Western Life is subject to recovery through the following deductions made after the payment of the advance: \$4.00 per month (as part of the monthly deduction) plus a daily deduction at an annual rate of .27% of the value of the policy's net assets in Account C. These deductions continue until their cumulative amount equals the cumulative amount of policy value actually credited to the policy. These deductions will not be made under any policy that has not received a policy value advance.

16. The monthly deduction from policy value includes (1) premium tax and sales charges of recovery of policy value advances, (2) the cost of insurance charge, (3) a monthly charge for the guaranteed death benefit (in the amount of \$.01 per thousand dollars of face amount under the policy of any optional riders), (4) the charge for optional insurance benefits added by rider, and (5) the monthly administrative expense charge of \$4.50 per policy. This charge will not exceed the amount permitted by Rule 6e-(T)(b)(13)(iii)(A).

17. A daily charge is made for mortality and expenses risks assumed by Western Life. The charge is at an annual rate of .90% of the average daily value of the net assets in Account C that are attributable to the policies.

18. Applicants request exemptions from sections 26(a)(2)(C) and 27(c)(1) to the extent necessary to permit the deduction of monthly and daily charges to recover value advances. Applicants submit that because the recovery of all or part of a policy value advance merely returns to Western Life its own assets, such recovery is not a payment of the sort addressed by section 26(a)(2)(C). In this respect, deductions to recover policy value advances are similar to the removal from separate account assets amounts necessary to secure policy loans, or to secure additional policy loans that are made automatically in order to "capitalize" loan interest that the policy owner has not otherwise paid. Similarly, deductions by Western Life to recover policy value advances may reasonably be viewed as capital adjustments rather than a charge or expense of the type addressed by section 26(a)(2)(C).

19. Section 27(c)(2) requires only that the "proceeds" of "payments" (i.e., amounts paid by the investor) be deposited with a trustee and held subject to the requirements of Section 26. The statutory language itself thus lends support to the conclusion that recovery by Western Life of policy value advances is outside the ambit of those provisions, insofar as the policy value advance does not constitute "proceeds" of "payments" made by an investor, but is rather an advance made by Western Life from its own funds.

20. Policy value advances will provide a significant potential benefit to policy owners that are eligible for them. They increase the amount available to earn a return for the policy owner. In many cases, moreover, the amount of a policy value advance will never be recovered, or will be only partially recovered, by Western Life. This is because no contingent deferred charge for unrecovered policy value advances is imposed upon death of the insured, surrender, withdrawal or lapse. The total amount deducted to recover policy value advances under any policy will never exceed the amount of policy value advances actually paid to that policy.

21. The policy owner receives the further benefit that, during the time when deductions for policy value advances are being made, the similar monthly and daily deductions for premium taxes and sales charges are suspended. The amounts of premium tax and sales charges that are thus deferred are equal to the amounts of the monthly and daily deductions for policy value advances, assuming the 9.8% maximum on the monthly and daily premium tax and sales charge



deductions would not have otherwise been reached.

Once the amount of any policy value advances has been fully recovered through the deductions therefor, the monthly and daily deductions for premium taxes and sales charges resume, unless the total monthly and daily deductions actually made to date for premium taxes and sales charges already has reached 9.8% of all premiums paid to date. The policy owner is not deemed to have "paid" any periodic premium tax and sales charges that otherwise would have been deducted during the period when deductions to recover policy value advances were being made. Nevertheless, the deferral of these charges is a significant benefit that enhances the value to policy owners of the policy value advance feature. The deferral of these charges tends to offset the deductions made to recover policy value advances and therefore has a positive effect on policy value. This benefit is illustrated by the illustrations filed as an appendix to the application.

22. A policy value advance will increase the policy value and, accordingly, may increase the amount of certain charges that are deducted by Western Life on the basis of a percentage of Account C or AMEV Series assets: i.e., the mortality and expense risk charge and the AMEV Series investment advisory fee. The increased asset-based charges in each case are simply the price the policy owner pays for the opportunity of having amounts attributable to the transaction participate in the investment performance of Account C. The policy owner can avoid the increased asset-based charges in each case by allocating the policy value to the general account, rather than to Account C.

23. There is no assurance that separate account investment performance earned on policy value advances will be sufficient to offset the additional asset-based charges resulting from the policy value advances. This would depend to some extent on the timing of the policy value advances and of the deductions to recover them, because these factors indirectly determine the amount of return that would be credited. A policy owner who wants to be assured of earning a rate of return greater than the rate of asset-based charges can allocate amounts attributable to policy value advances to Western Life's general account.

24. The policy value advances involve various costs to Western Life, including the cost of the amounts advanced and the costs of developing and administering the policy value advance

feature. Even if the development and administration costs are disregarded, there is no reasonable set of assumptions under which (1) the value to Western Life of (a) the revenues from the deductions for policy value advances plus (b) any increased mortality and expense risk charge and advisory fee revenues resulting from policy value advances would exceed (2) Western Life's additional costs associated with policy value advances. Therefore, the policy value advances and related charges could not be said to involve any "back door" attempt to impose additional charge on policy owners.

25. The deductions for policy value advances do not contain hidden charges because the deductions to recover policy value advances, as well as the possibility of increased asset-based charges, will be fully disclosed in the prospectus for the policies. Nor do these deductions result in profits to Western Life, since they merely defray the cost of credits previously paid to policies by Western Life out of its own funds. The deductions to recover policy value advances are not intended to finance sales expenses. Their sole purpose and effect is to reimburse Western Life for amounts that Western Life will have advanced to the policy owner.

26. Policy value advances are intended as benefits that will make policies more attractive to prospective purchasers and will encourage policy owners to retain and make regular premium payments under their policies. Life insurance policies are typically quite unprofitable to an insurance company in the policies' early years because each policy typically has high initial insurance costs (such as sales expenses and underwriting costs) and asset-based revenues are likely to be relatively small. To the extent that the objectives of the policy value advance are achieved, it will be less likely that Western Life at some point would need to raise its charges for cost of insurance, administrative expenses or certain policy features to achieve their objectives, and the possibility will be increased that Western Life may be able to offer additional investment options or reduce charges under policies in the future. Policy owners may also benefit from lower expense ratios of the management investment company funding the policies, as a result of increased assets attributable to policies. Insufficient sales or poor persistency also can produce a small and non-diverse pool of mortality risks represented by the policies. This would expose Western Life to the possibility of erratic mortality experience. This

problem is exacerbated by the fact that policies tend not to be surrendered when the insured is in poor health. A high rate of surrenders, therefore, would tend to decrease the overall quality of the mortality pool represented by the policies. Thus, if the policy value advances achieve their objectives, Western Life's financial strength and stability will be enhanced, as will as the security of the policy owner's investment in and coverage under the policies.

27. Policy value advances also will promote fairness between persisting and surrendering policy owners. Because persisting policy owners make substantial premium payments, they are expected to generate more profits for Western Life. It is therefore equitable for persisting policy owners to receive additional benefits in the form of policy value advances.

28. Western Life has designed the policy value advances and its method of operation so as to address any state regulatory concerns. Western Life has specifically designed the policy value advances to avoid any substantial discontinuities in projected values. All sales illustrations used by Western Life will specifically disclose the amount of any policy value advances that are assumed by the illustration. The policy value advances are not contingent on Western Life's actually earning profits and Western Life will establish current reserves for planned policy value advances.

29. The Commission has in the past acquiesced in or approved of an insurance company making deductions to recover or defray the cost of providing benefits to investors similar to those afforded by policy value advances. For example, deductions to recover policy value advances are similar to the removal from separate account assets of amounts necessary to secure policy loans, or to secure additional policy loans that are made automatically in order to "capitalize" loan interest that the policy owner has not otherwise paid. Also, the Commission has granted exemptive relief from sections 27(c)(2) and 26(a)(2)(C) with respect to contingent deferred charges to recover "bonuses" credited by an insurance company under certain variable annuity contracts.<sup>1</sup> There would appear no

<sup>1</sup> In the Matter of the Prudential Ins. Co. of America, et al., Rel. No. IC-16769 (Jan. 25, 1989) (Notice); Rel. No. IC-16824 (Feb. 21, 1989) (Order); In the Matter of the Prudential Ins. Co. of America, et al., Rel. No. IC-15240 (Aug. 8, 1988) (Notice); Rel. No. IC-15299 (Sept. 8, 1988) (Order).



reason for reaching a different result in this case.

30. Applicants request exemptions from sections 2(a)(32), 22(c), 27(c)(1) and 27(d) and Rules 6e-3(T)(b)(12), and 6e-3(T)(b)(13) and 22c-1, to the extent necessary to permit the amount of any premium tax charges that have not been previously collected by means of a deduction from policy value to be included in the surrender charge.

31. Western Life's method of deducting all or part of the charges for premium taxes on a basis other than from premiums is more favorable to investors than deducting the entire amount of such charges from premium payments, to the extent that more policy value is available to earn a return for the investor. Applicants represent that (1) no premium tax charge will be designed to yield a profit, (2) the total amount charged to any policy owner for premium taxes (including any amounts that Western Life may subsequently determine to deduct from premium payments) will be no greater than if all such charges were taken from premiums when paid, and (3) the premium tax charges will not take into account the "time value" of money (which would increase the charge to factor in the investment cost to Western Life of deferring collection of the charge).

32. Applicants request an exemption from the "stair step" requirements of section 27(a)(3) and Rules 6e-3(T)(b)(13)(ii) and (d)(1)(ii) to the extent necessary because of three aspects of the policies discussed below.

33. First, part of the \$4.00 monthly charge deducted pursuant to each policy is a sales charge. Because this sales charge is a constant dollar amount each month, it will vary from month to month as a percentage of premiums paid and as a percentage of the policy owner's policy value. Assessing part of the sales charge as a flat monthly deduction is beneficial to policy owners, as compared to deducting it from premium payments. A greater amount is thus available to earn an investment return for the policy owner. Also, the dollar amount of the sales charge deductions will be more predictable than if the sales charge were deducted through a daily percentage charge. This has potential advantages for both the policy owner and for Western Life, insofar as their ability to make plans based on expected amounts of sales charge deductions is thereby enhanced. The flat dollar amount deducted monthly for sales charges under a policy will not change from month to month, except in the case of a reduction as a result of transfer from another plan of insurance. At least one other registrant appears to

offer several variable life insurance policies that deduct constant amounts of sales charges from a policy's account value in reliance on Rule 6e-3(T), without, to Applicant's knowledge, obtaining exemptive relief from the stair step provisions. Although it may therefore be regarded as unnecessary, Applicants are requesting such relief to eliminate any uncertainty in this regard.

34. Second, the monthly and daily sales charge deductions may cease for certain periods of time and subsequently resume. These charges are suspended when deductions to recover policy value advances are being made and when the maximum amount of such charges, as a percentage of premium payments, has been reached. This creates a question regarding compliance with the requirements in Rule 6e-3(T)(d)(1)(ii)(A) and (B), respectively, that the proportionate or percentage amount of sales charges deducted not exceed the proportionate or percentage amount previously deducted pursuant to the same method.

35. Applicants assert that, if section 27(a)(3) and the related provisions of Rule 6e-3(T) were interpreted to prevent the resumption of sales charge deductions from contract assets once the deduction of such charges had ceased for any reason, the utility of policy designs providing for sales charge deductions from policy assets would be greatly reduced. Deducting part of the sales charges from policy value, rather than from premium payments, is advantageous to policy owners because more assets are put to work as policy value with the potential of earning a return for the policy owner's benefit.

36. Certain other variable life insurance issuers impose asset-based sales charges that may cease upon certain limits being reached and subsequently recommence when additional premiums are paid. The same is true with respect to several variable life insurance policies that deduct the sales load attributable to a premium payment from the policy's account value in periodic installments of a fixed amount. To Applicant's knowledge, in none of these cases have stair step exemptions been granted to permit sales charge deductions to be resumed upon payment of additional premiums subsequent to the time such deductions reached the maximum permitted percentage of premiums previously paid. Applicants submit, therefore, that such relief has been regarded as unnecessary. Nevertheless, Applicants are requesting such relief here in order to eliminate any uncertainty in this regard.

37. Third, Rule 6e-3(T)(c)(4) defines "sales load" for any contract period as

the excess of premium payments over changes in "cash value" (other than from investment performance) and certain enumerated charges. An increase or decrease in a policy's cash value resulting from the payment of or subsequent deductions to recover a policy value advance could be deemed to result in an increase or decrease in the otherwise applicable sales load for the contract period in which the transaction occurs. The stair step provisions could apply because the operation of the policy value advance could cause such sales load to be at a higher rate than in a preceding period or at a lower rate than in a subsequent period. Applicants submit that their program with respect to policy value advances provides a significant potential benefit to policy owners and the policies' charge structure complies with the spirit and purpose of Rules 6e-3(T)(b)(13)(ii) and (d)(1)(ii).

38. The potential stair step issues under the policies do not result from early deduction of front-end charges. No sales charges will be deducted from premiums. Although sales charges will be deducted through several different types of deductions, the rates of these charges will never increase.

39. The stair step issues under the policies result from the deferral by Western Life of sales charges in the form of monthly and daily deductions and, in the case of policies that are surrendered or lapse before a certain time, the surrender charge. In two recent no-action letters, the Commission staff examined in detail the policies and purposes underlying section 27(a)(3).<sup>2</sup> The staff concluded, based on extensive citation of authority, that the provision was designed to address the perceived abuse of periodic payment plan certificates that deducted large amounts of front-end sales charges so early in the life of the plan that an investor redeeming in the early periods would recoup little or none of his or her investment. Western Life's policies present an entirely different case. The potential stair step issues under the policies do not result from early deduction of front-end charges. No sales charges will be deducted from premiums. The stair step uncertainties under the policies in fact result from the imposition of deferred sales charges in the form of monthly and daily deductions and, in the case of policies that are surrendered or lapse before a certain time, the surrender charge. By

<sup>2</sup> United Investors Life Ins. Co. (avail. July 9, 1987); Western Reserve Life Ins. Co. (avail. Aug. 28, 1987).



thus spreading sales charges more evenly and fairly over the life of a policy, the policies' sales charge structure clearly furthers the purposes of section 27(a)(3), as articulated by the Commission's staff.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan Katz,  
Secretary.

[FR Doc. 89-27939 Filed 11-28-89; 8:45 am]

BILLING CODE 8010-01-M

[Corporate Reorganization Release No. 386, Release No. 34-27456; File No. 4-351]

**Request for Public Comments on the Role of the Securities and Exchange Commission in Reorganization Cases Under Chapter 11 of the Bankruptcy Code**

**AGENCY:** Security and Exchange Commission.

**ACTION:** Extension of comment period.

**SUMMARY:** The Securities and Exchange Commission today announced that it has extended the deadline for comments concerning the scope of the Commission's participation in Federal court reorganizations of publically-held companies under the Bankruptcy Code. Corporate Reorganization Release No. 384, Release No. 34-27300 (September 27, 1989) [54 FR 40760, October 3, 1989] requested public comments by November 15, 1989; the new deadline is January 2, 1990. The public hearing concerning the Commission's role in Chapter 11 cases, tentatively scheduled for December 11, 1989, has also been postponed; a separate announcement will be forthcoming regarding a new date for that hearing.

**DATES:** Comments must be received on or before January 2, 1990.

**ADDRESSES:** Persons wishing to express their views should submit comments in triplicate addressed to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street NW., Mail Stop 6-9, Washington, DC 20549. Reference should be made to File No. 4-351. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 5th Street NW., Washington, DC 20549.

**FOR FURTHER INFORMATION CONTACT:** Michael A. Berman (202) 272-2493, Office of the General Counsel, Securities and Exchange Commission, 450 5th Street NW., Mail Stop 6-8, Washington, DC 20549.

By the Commission.

Dated: November 20, 1989.

Jonathan G. Katz,  
Secretary.

[FR Doc. 89-27897 Filed 11-28-89; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27470; File No. SR-NASD-88-23]

**Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to the Operation of the PORTAL Market**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 3, 1989, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The NASD is herewith filing a proposed rule change to adopt new Schedule I to the NASD By-Laws ("PORTAL Rules"). The proposed new schedule will establish a new marketplace for primary distributions and secondary trading that would meet the requirements of proposed Rule 144A under the Securities Act of 1933 ("Rule 144A") for an exemption from the registration and prospectus delivery requirements of the Securities Act of 1933 ("Securities Act"). The market will be based on fully automated facilities supporting private offerings, resale trading, clearing and settlement of domestic and foreign debt and equity securities that are immobilized within a dedicated custodial network, providing appropriate record-keeping and controls to provide for multi-currency settlements, and control of the exit of the unregistered securities into the domestic United States retail market.

As part of the proposal the NASD requests that the Commission grant exemptions from Rules 15c2-11 and 12g3-2. The NASD requests, pursuant to Rule 15c2-11(h), that the Commission grant an exemption from Rule 15c2-11 with respect to publication or display of quotations in eligible securities through the proposed PORTAL Market. The NASD also requests that the Commission grant an exemption from

Rule 12(g) so that PORTAL qualified investors in PORTAL equity securities, domestic and foreign, will not be counted toward the shareholder thresholds of Section 12(g). In addition, the NASD requests that the Commission grant an exemption from subsection (d)(3) of Rule 12g3-2 which, unless granted, would appear to subject foreign issuers of PORTAL securities to Exchange Act reporting requirements.

The proposed new marketplace is called the PORTAL<sup>1</sup> Market. Following is a summary description of the PORTAL Rules. Interested persons may obtain a copy of the complete rule filing and/or the PORTAL Rules by request to the Office of General Counsel of the NASD, 1735 K Street NW., Washington, DC 20006.

**Summary**

The proposed PORTAL Rules are comprised of eight parts. Part I provides definitions of terms used in the Rules. Part II sets forth the requirements applicable to securities in the PORTAL Market. Part III delineates the requirements applicable to NASD members that wish to act as dealers or brokers in the PORTAL Market. Part IV provides the requirements applicable to investors that wish to participate in the PORTAL Market. Part V indicates the procedures for handling grievances concerning the designation of a security in the PORTAL Market or the registration of a dealer, broker or investor in the PORTAL Market. Part VI sets forth requirements applicable to the operation of and transactions in the PORTAL Market. Part VII delineates the applicability of the NASD Rules of Fair Practice to transactions in the PORTAL Market. Part VIII indicates the availability or arbitration to settle disputes arising from PORTAL transactions.

Securities that have been approved pursuant to the requirements of Part II of the proposed PORTAL Rules are considered designated as "PORTAL securities." The basic requirement for PORTAL securities is that the security be eligible to be sold pursuant to Rule 144A. NASD members must meet the requirements of Part III of the proposed PORTAL Rules applicable to "PORTAL dealers" and "PORTAL brokers" to participate in the PORTAL market on a principal or agency basis. The distinction between the two categories is that PORTAL dealers must be eligible to purchase securities under Rule 144A. Investors must be designated as

<sup>1</sup> PORTAL is a service mark of NASD Market Services, Inc.



"PORTAL qualified investors" pursuant to Part IV in order to purchase and sell PORTAL securities in the PORTAL Market. The major requirement applicable to PORTAL qualified investors is that the investor be eligible to purchase securities pursuant to Rule 144A. PORTAL qualified investors may only execute purchase or sale "transactions" in PORTAL securities through a PORTAL dealer or a PORTAL broker, and such transactions may only be through the PORTAL Market with a PORTAL dealer or another PORTAL qualified investor or be in a "qualified exit transaction" to an account outside the PORTAL Market. A "qualified exit transaction" is one meeting the requirements of Section 15 to Part I of the proposed PORTAL Rules, which restricts transactions in PORTAL securities to an account outside of the PORTAL market to transactions: (1) Registered under the Securities Act, (2) exempt from the registration requirements of the Securities Act pursuant to proposed SEC Regulation S,<sup>2</sup> SEC Rules 144 and 145,<sup>3</sup> or because of repurchase by the issuer, or (3) that are exempt from registration and result in the purchaser holding freely-tradeable securities. Further, PORTAL participants are prohibited from effecting transfers out of the PORTAL Market other than purchases and sales except in a "qualified exit transfer", which restricts transfers existing the PORTAL Market to the return of borrowed securities.

PORTAL dealers, PORTAL brokers and PORTAL qualified investors (together, defined as "PORTAL participants") are required to be a member of, or have a relationship providing it access to, a "PORTAL depository system," which is composed of one or more organizations designated by the Association to perform the functions of a securities depository with respect to PORTAL securities. Currently, the sole designated PORTAL depository organization is Centrale de Livraison de Valeurs Mobilieres S.A. Luxembourg ("CEDEL"), supported by its individual global network of foreign depository banks. PORTAL dealers and PORTAL brokers are required to be a member of a "PORTAL clearing system," which is composed of one or more organizations designated by the Association to perform the clearance and settlement functions with respect to PORTAL securities. The sole PORTAL clearing organization designated by the NASD is the International Securities Clearing Corporation ("ISCC"), which is

registered under Section 17A of the Exchange Act. PORTAL participants are also required to be a participant in a "PORTAL account instruction system," which is composed of one or more communications systems designated by the Association to transfer information concerning PORTAL account activities between a PORTAL qualified investor, its agent providing it access to the PORTAL depository system, PORTAL dealers and PORTAL brokers. The sole PORTAL account instruction system currently designated by the NASD is the International Institutional Delivery System ("IID"), owned and operated by the Depository Trust Company which is registered with the SEC pursuant to Section 17A of the Exchange Act.

The normal PORTAL Market hours of operation are to be between 9:30 a.m. and 4:00 p.m. Eastern Time. However, Section 1 to Part VI of the PORTAL Rules permits the NASD to establish different hours. The PORTAL market will accept prices and quotations that are one- or two-sided, firm or indicative. Transactions in the PORTAL Market will settle five business days after the date of the transaction, except as otherwise agreed between the parties to the transactions. Further, the transaction can settle in any currency accepted by the PORTAL clearing organization. Each PORTAL dealer and PORTAL broker that executes a transaction or effects a qualified exit transfer is required to enter a PORTAL transaction report in the PORTAL Market that includes necessary information regarding the transaction or transfer. Any modification, correction or cancellation of the PORTAL transaction report is also required to be entered into the PORTAL Market. PORTAL participants are required to either affirm or reject a PORTAL transaction report in the PORTAL Market in order to obtain a compared PORTAL transaction report.

"When, as and if" trading of a new issue of securities is permitted in the PORTAL Market subsequent to effectiveness of the designation of the securities as PORTAL securities so long as the managing underwriter establishes a settlement date for the securities based on their anticipated availability and enters a corrected PORTAL transaction report designating a substitute settlement date if settlement is delayed.

"Short" sale transactions are permitted in the PORTAL Market and securities may be borrowed from another PORTAL Market account or from outside the PORTAL Market. The requirements applicable to "short" sales are based on those in the Interpretation

of the Board of Governors—Prompt Receipt and Delivery of Securities, Article III, Section 1 of the NASD's Rules of Fair Practice. A provision is included providing the NASD authority to adopt additional restrictions with respect to "short" sales and the borrowing and return of securities as the NASD deems necessary to prevent violation of the registration requirements of the Securities Act.

The PORTAL Rules specify that stabilizing bids are permitted in the PORTAL Market. Sections 15, 59 and 60 of the NASD's Uniform Practice Code are incorporated into the PORTAL Rules, with modifications to reflect the context of transactions in the PORTAL Market. The close-out procedures from Sections 59 and 60 of the Uniform Practice Code are not mandatory. The PORTAL Rules also include provisions that set forth the applicability of the NASD's Rules of Fair Practice to transactions and business activities relating to the PORTAL Market, distinguishing between provisions that are applicable; provisions that are applicable with exceptions; provisions that are applicable to members regardless of their participation in the PORTAL Market; and provisions that are not applicable.

The PORTAL Rules also provide that any determination by the NASD to deny, suspend or terminate the designation of a PORTAL security or registration of a PORTAL participant may be reviewed upon application by the aggrieved person pursuant to the provisions of Article IX of the Code of Procedure. Moreover, the facilities of the NASD's Arbitration Department, and the procedures of the Code of Arbitration Procedure are available to PORTAL participants to resolve disputes arising from PORTAL transactions or activities related thereto.

The PORTAL Rules provide authority for the NASD to impose a fee on PORTAL dealers, PORTAL brokers or PORTAL qualified investors for PORTAL transactions or such other fees that the NASD shall determine. It is not the NASD's intention at this time to impose a fee with respect to transactions in the PORTAL Market for the first six months of the Market's operation.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any

<sup>2</sup> Securities Act Release No. 8779 (June 10, 1988); Securities Act Release No. 6338 (July 11, 1989).

<sup>3</sup> 17 CFR 240.144; 17 CFR 240.145.



comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change*

Section 5 of the Securities Act requires that all transactions in securities be registered with the Commission. The SEC has proposed and repropoed for comment new Rule 144A that would provide a safe harbor from Section 5 for securities transactions in compliance with that Rule.<sup>4</sup> The NASD is proposing to adopt the PORTAL Rules to establish a new marketplace for Rule 144A-qualified transactions in securities. The proposed new PORTAL Market will be fully automated and is designed to support the trading, clearance and settlement of domestic and foreign debt and equity securities in both primary market placements and secondary market activity. The new PORTAL Market is also intended to provide a mechanism for Rule 144A compliance by Rule 144A-qualified investors trading in Rule 144A-qualified securities.

While the NASD Board of Governors has requested that the SEC include in Rule 144A an additional safe harbor from the registration requirements of the Securities Act for transactions in compliance with the rules of a private placement trading system approved by the SEC pursuant to the requirements of the Exchange Act,<sup>5</sup> the NASD believes, even without such a provision, transactions in compliance with the PORTAL rules will meet the requirements of the Rule 144A safe harbor.

Following is an analysis of how the PORTAL Market is proposed to act as a mechanism for participating broker/dealers and institutional investors to effect sales of securities in compliance with Rule 144A.

**Qualified Institutional Buyer Requirement—Rule 144A(d)(1)**

Rule 144A(d)(1) provides that the safe harbor of Rule 144A is only available to institutional investors meeting the

definition of a "qualified institutional buyer" under Rule 144A(d)(1). The PORTAL Market proposes to limit trading in the PORTAL Market to institutions meeting the "qualified institutional buyer" test of Rule 144A(d)(1) as set forth in the following discussion.

The PORTAL Rules require that a PORTAL dealer and a PORTAL qualified investor be eligible to purchase securities under Rule 144A, which currently proposes that an investor have assets invested in securities that were purchased for at least \$100 million at the conclusion of its most recent fiscal year. The PORTAL Rules also require that eligibility pursuant to Rule 144A(d)(1) be demonstrated annually or more frequently if required by Rule 144A. PORTAL dealers and PORTAL brokers must agree to only purchase PORTAL securities for their own account (if a PORTAL dealer) or for a PORTAL qualified investor. A PORTAL qualified investor is also required to agree to only purchase PORTAL securities for its own account or for an account the investor is eligible to make purchases for under Rule 144A. Moreover, a PORTAL qualified investor may not transfer beneficial ownership of a PORTAL security in a sale transaction or a transfer except if the sale or transfer is: (1) Through the PORTAL Market, (2) in a qualified exit transaction or qualified exit transfer, or (3) to a managed account or an investment company the PORTAL qualified investor is eligible to make purchases for under Rule 144A. A PORTAL qualified investor may only execute transactions in a PORTAL security, including a transactions that is to a non-PORTAL account (i.e., an exit transaction), through a PORTAL dealer or PORTAL broker and through the PORTAL Market or in a qualified exit transaction. PORTAL dealers and PORTAL brokers are prohibited from executing a transaction or effecting a transfer in a PORTAL security through the PORTAL Market with any party other than a PORTAL participant, unless in a qualified exit transaction or qualified exit transfer.

Notwithstanding the suspension or termination of the registration of a PORTAL dealer or PORTAL qualified investor, the dealer and investor are required to remain subject to the PORTAL Rules with respect to the disposition of any PORTAL securities in its accounts and is required to only engage in transactions in those securities in accordance with the NASD's terms of notice of the suspension or termination. Through the registration process for PORTAL dealers

and PORTAL qualified investors, the NASD will be able to make a determination as to whether it has formed a reasonable belief that the applicant meets the requirements of Rule 144A(d)(1). Further, the PORTAL Rules prohibit registered PORTAL dealers, PORTAL brokers and PORTAL qualified investors from purchasing on behalf of a non-PORTAL participant or selling to a non-PORTAL participant except in a qualified exit transaction or qualified exit transfer. The requirement that PORTAL transactions be effected through a PORTAL dealer or PORTAL broker is intended to ensure that an audit trail is provided of every transaction. PORTAL dealers and PORTAL brokers are required to enter a PORTAL transaction report with respect to each transaction in the PORTAL Market. Transactions in the PORTAL Market will be surveilled to determine whether: (1) any PORTAL broker has executed a transaction on a principal basis, thus requiring registration as a PORTAL dealer and (2) any transaction has occurred without the entry of a PORTAL transaction report.<sup>6</sup>

Based on the requirements of the PORTAL Rules, the NASD's procedures for reviewing the eligibility of applicants and surveillance of the PORTAL Market, the NASD believes that PORTAL securities will only be offered or sold in the PORTAL Market to PORTAL dealers and PORTAL qualified investors that are qualified institutional buyers in compliance with the condition in Rule 144A(d)(1).

**Reliance on Rule 144A Requirement—Rule 144A(d)(2)**

Rule 144A requires, as a condition to the availability of the Rule 144A safe harbor, that the seller must take reasonable steps to ensure that the purchaser is aware that the seller may rely on Rule 144A. The PORTAL Rules provide that an applicant to be a PORTAL qualified investor must agree that it understands that it may purchase a PORTAL security from a PORTAL qualified investor who may rely on Rule 144A. The NASD believes that based on this requirement, PORTAL dealers and PORTAL qualified investors acting as sellers in the PORTAL Market will be able to sell PORTAL securities in compliance with the condition in Rule 144A(d)(2).

<sup>4</sup> Securities Act Release No. 6806 (October 25, 1988); Securities Act Release No. 6839 (July 11, 1989).

<sup>5</sup> If the Commission approves Rule 144A as proposed, PORTAL participants would have to comply with the information provision requirements of Rule 144A(d)(4) on their own, without reliance on the rules or procedures of PORTAL. See *infra*.

<sup>6</sup> See discussion below of restrictions on exit transactions and exit transfers to non-PORTAL participants.



### Eligibility of Securities Requirement—Rule 144A(d)(3)

Rule 144A(d)(3) requires, as a condition to the availability of the Rule 144A safe harbor, that the securities, when issued, were not fungible with securities listed on a national securities exchange or quoted in the NASDAQ system and were not securities of an open-end investment company, unit investment trust or face-amount certificate company. The PORTAL Market limits trading by PORTAL participants to securities meeting the requirements of Rule 144A(d)(3).

The PORTAL Rules require that PORTAL securities be eligible to be sold pursuant to Rule 144A. Only PORTAL dealers and PORTAL qualified investors may submit an application for designation of a security in the PORTAL Market. The application must include sufficient information for the NASD to determine that the security is eligible to be sold pursuant to Rule 144A(d)(3), which may include a statement of counsel, a statement of a certified public accountant, or a certification by the issuer's chief executive officer that the security meets the requirements of Rule 144A(d)(3). The NASD may suspend or terminate designation of a PORTAL security if the security is not in compliance with PORTAL rules, any application or document related thereto contained an untrue statement or omitted a material statement, or failure to withdraw designation of the securities would be detrimental to the interests and welfare of PORTAL participants and the NASD. A suspended or terminated PORTAL security remains subject to the PORTAL rules until the inventory of PORTAL participants in the security is sold in a qualified exit transaction or in accordance with the terms of notice by the NASD of the suspension or termination. PORTAL participants are prohibited from trading a suspended or terminated PORTAL security, except in accordance with the terms of notice by the NASD of the suspension or termination.

PORTAL qualified investors are required to deposit and maintain all PORTAL securities in their segregated PORTAL accounts at the PORTAL depository organization until the securities are sold or transferred to another PORTAL account or are sold or transferred to a non-PORTAL account in compliance with the restrictions on exit transactions and exit transfers. PORTAL qualified investors may only purchase PORTAL securities for their own account and may only transfer beneficial ownership of a PORTAL

security in a sale or transfer through the PORTAL Market, except for qualified exit transactions, qualified exit transfers and transfers between managed accounts and investment companies that are the same family of investment companies.

Transactions in the PORTAL Market will be validated to ensure that the transaction is in a PORTAL security (i.e., a security designated a PORTAL security and not subject to suspension of termination). Based on NASD's review procedures in connection with designation of a PORTAL security and the PORTAL Market validation that PORTAL transactions are only in PORTAL securities, the NASD believes that transactions by PORTAL participants in the PORTAL Market will be limited to securities that meet the requirements of Rule 144A(d)(3).

### Information Delivery Requirement—Rule 144A(d)(4)

Rule 144A(d)(4) requires, as a condition to the availability of the Rule 144A safe harbor, that the seller or its agent must provide certain information to the purchaser upon request with respect to securities of non-reporting issuers. In its comment letter to the SEC with respect to the reproposal of Rule 144A, the NASD advised the SEC that it had considered but had determined it to be infeasible at this time for the NASD to act as a depository for information required to be delivered pursuant to proposed Rule 144A(d)(4) in connection with the PORTAL Market. The NASD stated:

While information regarding the issuer could possibly be obtained at the time securities are considered for inclusion in the system, it would be virtually impossible to ensure compliance with a continuing update requirement if one were imposed. Rule 144A is unclear as to how often the information must be updated. There is also the practical problem of identifying the party that should be subjected to the open-ended requirement that the information be updated.<sup>7</sup>

It is further the NASD's understanding that any other procedure short of acting as a depository for information required to be delivered pursuant to Rule 144A(d)(4) would not be considered to provide a mechanism for ensuring compliance with that provision. Therefore, the PORTAL Rules do not impose a specific requirement on PORTAL participants to comply with Rule 144A(d)(4), and PORTAL participants would have to comply with

this requirement, if adopted, on their own.

### Restrictions on Resale Requirement Rule 144A(d)(5) Agreement in Writing—Rule 144A(d)(5)(A)

The restrictions on resale requirements of Rule 144A(d)(5) provide in subprovision (A) thereof that reasonable steps to prevent a sale in violation of Rule 144A will be conclusively established where the purchaser agrees in writing not to resell the securities in the United States unless they are registered under the Securities Act or an exemption from registration is available. The PORTAL Rules require that applicants to be a PORTAL qualified investor agree not to sell or transfer PORTAL securities to an account outside the PORTAL Market unless the securities are sold or transferred in compliance with the restrictions on qualified exit transactions and restrictions on qualified exit transfers in Part I, Sections 15 and 16 of the PORTAL Rules.

The NASD believes that the foregoing agreement included in the PORTAL Rules and in the application submitted to the Association pursuant to Subsection 1(b) to Part IV by applicants to be a PORTAL qualified investor satisfies the requirement of Rule 144A(d)(5)(A) that the referenced agreement be "in writing."

### Reasonably Designed Procedure—Rule 144A(d)(5)(B)

The resale restrictions of subprovision (B) of Rule 144A(d)(5) applies to sales of PORTAL securities to an account in the PORTAL Market and sales of PORTAL securities to an account outside of the PORTAL Market, i.e., and "exit transaction." The provisions of Rule 144A(d)(5)(B) provides that a procedure reasonably designed to prevent the transfer of securities to other than qualified investors, unless registered under the Securities Act or an exemption from registration is available, may be administered by "the issuer of the securities or a third party."

*Procedure by the Issuer.* With respect to the first alternative of permitting a procedure administered by the issuer, the application for designation of securities will request information to determine whether, in the case of a security subject to Rule 144A(d)(5)(B), the issuer has established a procedure reasonably designed to prevent the transfer of the securities to other than qualified institutional buyers unless the securities are registered under the Securities Act or an exemption from

<sup>7</sup> Letter to Jonathan G. Katz, Secretary, SEC, dated September 12, 1989 from Frank J. Wilson, Executive Vice President and General Counsel, NASD, at p. 11.



registration is available. The NASD will request a description of the procedure to determine whether it meets the "reasonably designed" requirement of subprovision (B).

*Procedure by a Third Party.* In discussing the establishment of a procedure by "a third party" under Rule 144A(d)(5)(B), the reproposing release on Rule 144A clarifies that " \* \* \* sellers could rely on a closed trading system that limited trading to qualifying institutions and established depository and clearance systems such that trades could only be made to such institutions or outside the United States." \*

With respect to the requirement that securities be Rule 144A eligible and only traded by qualifying institutions, the discussion above with respect to the conditions of Rules 144A(d)(1) and 144A(d)(3) demonstrates that the PORTAL Market limits trading to securities meeting the criteria in Rule 144A(d)(3) by institutions meeting the "qualified institutional buyer" test of Rule 144A(d)(1). The NASD also submits that the PORTAL Market has depository and clearance systems to ensure that trades in Rule 144A securities can only be made between such qualifying institutions unless the securities are sold in an exit transaction either registered under the Securities Act or exempt from registration under the Securities Act.

The NASD has designated CEDEL as a PORTAL depository organization and ISCC as a PORTAL clearing organization. PORTAL Rules require that PORTAL securities be eligible for deposit and have been or will be deposited into the PORTAL depository system by the issuer or a PORTAL participant. The NASD will determine whether a security complies with this requirement by requesting the CEDEL identification number for the security for which application is being made on the application form submitted pursuant to Subsection 1(a) to Part I. Subsections 1(b) (4) and (6) to Part III of the PORTAL Rules require that PORTAL dealers and PORTAL brokers be a member of CEDEL and ISCC, direct that their accounts for PORTAL securities at CEDEL be segregated from all other accounts the firm may have at CEDEL, authorize and direct both CEDEL and ISCC to transmit all reports in respect of the PORTAL account activity to the NASD, and authorize and direct ISCC to accept data from IID. Subsection 1(b)(5) to Part III of the PORTAL Rules requires

that PORTAL dealers and PORTAL brokers agree to deposit and maintain all PORTAL securities in its segregated PORTAL account at CEDEL until: (1) The securities are sold or transferred to a PORTAL account in the PORTAL Market or (2) the securities are sold or transferred to a non-PORTAL account in compliance with Sections 15 and 16 to Part I of the PORTAL Rules.

Subsection 1(b)(3) to Part IV of the PORTAL Rules requires that the PORTAL qualified investor be a member or have a relationship providing it access to the services of CEDEL which will maintain PORTAL securities in an account segregated from all other accounts the investor may have at CEDEL. Subsection 1(b)(4) to Part IV requires the PORTAL qualified investor to maintain an account with its agent providing it access to the services of a PORTAL depository organization that is segregated from all other accounts it may have at the agent, if the investor uses an agent. Subsection 1(b)(5) to Part IV of the PORTAL Rules requires that PORTAL qualified investors authorize and direct the agent that provides them access to CEDEL to authorize and direct CEDEL to transmit all reports in respect of its PORTAL account activities to the NASD or ISCC. Subsection 1(b)(6) to Part IV of the PORTAL Rules requires that PORTAL qualified investors be a member of IID.

Transaction reports will be input into the PORTAL Market pursuant to Section 5 to Part VI of the PORTAL Rules and compared pursuant to Section 6 thereof. Transactions will be locked in through IID, with confirmations to both sides of the transactions and the locked-in trade details input to ISCC and CEDEL for settlement processing by electronic book entry.

With respect to transactions that occur in the PORTAL Market and are between PORTAL qualified investors, the NASD submits that the foregoing review of the PORTAL Rules demonstrates that the PORTAL Market meets the requirement of subprovision (B) to Rule 144A(d)(5) for a reasonably designed procedure " \* \* \* to prevent the transfer of Rule 144A securities to other than qualified investors " \* \* \* on the basis that the PORTAL Market is a closed trading system that has designated depository and clearing systems that ensure that trades in Rule 144A securities will only occur between Rule 144A-qualified investors.

With respect to transactions from the PORTAL Market to an account outside the PORTAL Market, the NASD provides the following in support of its position that the PORTAL Market

provides a mechanism for compliance with Rule 144A(d)(5)(B). Section 15 to Part I of the PORTAL rules defines a qualified exit transaction. All exit transactions from the PORTAL Market are required to be made in compliance with the definition. In addition, in order to ensure that a transfer of PORTAL securities to an account outside the PORTAL Market is not, in fact, a sale transaction, the PORTAL Rules include restrictions on the exit transfer of securities that is included in the definition of qualified exit transactions in Part I, Section 16 to the PORTAL rules.

*Registered Exit Transactions.* Rule 144A(d)(5) permits Rule 144A securities subject to that provision to be sold to qualified investors under Rule 144A, in a transaction registered under Section 5 of the Securities Act, or in a transaction for which an exemption from registration is available. The definition of "qualified exit transaction" in Section 15 to Part I of the PORTAL Rules permits the sale of PORTAL securities out of the PORTAL Market in a transaction registered with the SEC under Section 5 of the Securities Act. The exit of securities from the PORTAL Market in a transaction registered under the Securities Act would be in compliance with Rule 144A(d)(5) which permits resales of securities registered under the Securities Act.

#### Exempt Exit Transactions/Exit Transfers—Restricted Securities

Exit transactions in PORTAL securities that are restricted and are not being sold pursuant to registration under the Securities Act can only be sold in an exit transaction for which an applicable exemption is available from the Securities Act. Section 15 to Part I of the PORTAL Rules permits the sale of PORTAL securities to an account outside the PORTAL Market in a transaction not subject to registration under the Securities Act by reason of compliance with proposed SEC Regulation S or by reason of compliance with Rules 144 or 145. In addition, exit transactions are permitted where the issuer is repurchasing its securities. Finally, exit transactions are permitted where the seller has demonstrated to the NASD on a pre-exit basis that the transaction is exempt from SEC registration and the purchaser will acquire securities that can be freely resold without registration under the Securities Act or that the transaction is exempt from SEC registration under Rule 144A based on an opinion of counsel.

\* Securities Act Release No. 6839 (July 11, 1989), at p. 36. See, Amendment No. 1 to SR NASD-88-23, pp. 54 and 55 for a complete discussion with respect to the excerpt from the SEC's reproposing release on Rule 144A.



A surveillance program has been created that provides significant controls over resales of Rule 144A securities in comparison to resales conducted to Rule 144A securities that are not included in the PORTAL Market. The surveillance program is comprised of pre-transaction procedures and controls, transactional restrictions and post-transaction monitoring.

#### Pre-Transaction Procedures

*Procedure by the Issuer.* As indicated previously, the application for designation of a PORTAL security will identify whether the issuer has established a procedure reasonably designed to prevent the transfer of the securities pursuant to Rule 144A(d)(5). A list of those securities for which the issuer has established procedures meeting the requirements of Rule 144A(d)(5) will be maintained and will be used to assist surveillance staff in focusing their efforts on exit transactions of those PORTAL securities for which the issuer has not established a compliance procedure.

*Pre-Transaction/Transfer Approval.* Section 15 to Part I of the proposed PORTAL Rules permits exit transactions with pre-transaction approval where the NASD determines, based upon the submission of such information as may be required by the Association, the transaction is exempt from Section 5 of the Securities Act and the purchaser acquires securities that can be freely resold without registration.

With respect to the remaining permissible exit transactions, the NASD does not believe that pre-transaction review of exit transactions made in compliance with Rule 144, 145 or Regulation S is necessary or appropriate. Such pre-transaction review would significantly impede the ability of PORTAL dealers and PORTAL brokers to conduct transactions through the PORTAL Market.

*PORTAL Dealers and PORTAL Brokers.* Rule 144A requires that "a procedure exists \* \* \* that is reasonably designed to prevent the transfer of the securities to other than qualified institutional buyers unless the securities are registered under the Act or an exemption from registration is available." The NASD has determined to impose the requirement of compliance with Section 15 to Part I of the PORTAL Rules on NASD members participating in the PORTAL Market as a PORTAL dealer or PORTAL broker.

With respect to exit transactions, a PORTAL qualified investor is prohibited from selling PORTAL securities to an account outside of the PORTAL Market unless the sale is done through a

PORTAL dealer or PORTAL broker. This requirement is intended to ensure that the NASD retains control over the transaction through its members and enforces upon its membership compliance with the resale restrictions in Rule 144A(d)(5), Sections 15 and 16 to Part I and Section 3(b)(5) to Part III of the PORTAL Rules.

PORTAL dealers and PORTAL brokers are required to establish supervisory procedures reasonably designed to achieve compliance with the PORTAL Rules restrictions on qualified exit transactions and qualified exit transfers in Part I, Sections 15 and 16, including preserving information demonstrating compliance with respect to each transaction and transfer pursuant to Rule 17a-4(a) under the Exchange Act and filing a PORTAL Exit Report with NASD Market Surveillance within one business day of the execution of the sale or transfer. Based on this provision, the NASD requires pre-registration approval of each PORTAL dealer's and broker's compliance procedures with respect to exit transactions and transfers. The requirement to preserve information demonstrating compliance with the resale restrictions is intended to ensure that the member make a record and preserve that record demonstrating compliance with Sections 15 and 16 to Part I of the PORTAL Rules in order to provide NASD examiner staff with a basis for a determination as to whether the exit transaction or transfer has been conducted in compliance with Sections 15 or 16.

A PORTAL dealer and a PORTAL broker is also required to: (1) Establish a segregated PORTAL account at the designated PORTAL depository organization and have an account at the designated PORTAL clearing organization; (2) deposit and maintain all PORTAL securities in the segregated PORTAL account at CEDEL until sold in a transaction in PORTAL or to a non-PORTAL account in compliance with Sections 15 and 16 to Part I of the PORTAL Rules; (3) authorize and direct CEDEL and ISCC to provide reports of its PORTAL account activities to the NASD; and (4) advise the NASD of any change in its depository, clearing or account instruction systems.

*PORTAL Qualified Investor.* Part IV of the PORTAL Rules requires that PORTAL qualified investors agree not to sell PORTAL securities to a non-PORTAL account outside the PORTAL Market except in compliance with Section 15 to Part I of the PORTAL Rules, to not transfer securities to a non-PORTAL account outside the PORTAL Market except in compliance with

Section 16 to Part I of the PORTAL Rules, and requires that the investor agree to file a PORTAL Exit Report with NASD Market Surveillance within one business day of the execution of a transfer not executed through a PORTAL dealer or PORTAL broker. These requirements are intended to ensure that the investor is aware of its obligations to comply with the restrictions on resale and on transfers out of the PORTAL Market and that an Exit Report is required to be made on every exit transfer not done through a PORTAL dealer or PORTAL broker.

PORTAL qualified investors must also agree to provide the NASD with any document or information necessary to verify compliance with Sections 15 and 16 to Part I of the PORTAL Rules. The NASD's ability to obtain appropriate information is enhanced by the requirements that the investor have a segregated PORTAL account at its agent bank, that its agent bank maintain a segregated PORTAL account at CEDEL for the investor's PORTAL transactions at CEDEL, and that CEDEL, be directed and authorized to release information to the NASD regarding the investor's CEDEL account activities.

#### Transactional Restrictions

The PORTAL Rules impose clear obligations on PORTAL participants to comply with Sections 15 and 16 to Part I of the PORTAL Rules. All qualified exit transactions are required to be done through a PORTAL dealer or PORTAL broker. A PORTAL dealer or PORTAL broker is prohibited from executing a sale or effecting a transfer of a PORTAL security to an account outside the PORTAL Market unless: (1) The transaction is in compliance with Sections 15 and 16 of the PORTAL Rules, (2) information demonstrating such compliance is preserved pursuant to Rule 17a-4(a) under the Exchange Act, and (3) a PORTAL Exit Report is filed with NASD Market Surveillance within one business day of the execution of the sale or transfer. PORTAL qualified investors are required to execute all PORTAL Market transactions through a PORTAL dealer or PORTAL broker and either through the PORTAL Market or in a qualified exit transaction as defined in Part I, Section 15 of the PORTAL Rules. PORTAL qualified investors are also prohibited from transferring beneficial ownership of a PORTAL security in a sale or transfer unless the sale or transfer is: (1) Through the PORTAL Market, (2) a transfer between accounts managed by the investor, (3) a transfer between investment companies part of a



family of investment companies the investor can make purchases for, and (4) in compliance with Sections 15 and 16 Part I of the PORTAL Rules. PORTAL qualified investors must file a PORTAL Exit Report with NASD Market Surveillance within one business day of an exit transfer not executed through a PORTAL dealer or PORTAL broker. The NASD is provided with authority to adopt restrictions on "short" sales and on the borrowing and return of securities that the NASD determines are necessary to prevent violation of the registration provisions of the Securities Act.

Further support for the NASD's effort to impose on its members compliance with the referenced resale restrictions is found in Section 5 to Part VI of the PORTAL Rules, which requires PORTAL dealers and PORTAL brokers to enter a transaction report with respect to each transaction in the PORTAL Market, including exit transactions, and with respect to exit transfers.

#### Post-Transaction Surveillance

The PORTAL Rules provide the NASD with authority to suspend or terminate the registration of a PORTAL dealer or PORTAL broker, and to take such other disciplinary action as it determines, for failure to comply with the restrictions on qualified exit transactions and qualified exit transfers in Sections 15 and 16 to Part I of the PORTAL Rules. Further, a PORTAL dealer or PORTAL broker may be suspended or terminated for failure to preserve information demonstrating compliance with Sections 15 and 16 with respect to each transaction pursuant to Rule 17a-4(a) under the Exchange Act and for failure to file an Exit Report with respect to all exit transactions and exit transfers. The NASD may suspend or terminate the registration of a PORTAL qualified investor if the investor sells or transfers a PORTAL security to an account outside the PORTAL Market in a manner not in compliance with the restrictions on qualified exit transactions or qualified exit transfers in Sections 15 and 16 to Part I of the PORTAL Rules and will refer information regarding the violation to the Commission where it is determined that securities were sold in an unregistered transaction without an available exemption under Section 5 of the Securities Act.

As previously referenced, an Exit Report is required of PORTAL dealers and PORTAL brokers with respect to all transactions and exit transfers and is required of PORTAL qualified investors with respect to exit transfers (not effected through a PORTAL dealer or PORTAL broker). The Exit Report will

either be a paper filing, generally faxed to the NASD, or the information in the report will be included in the PORTAL transaction report required to be entered in the PORTAL Market pursuant to Section 5 to Part VI of the PORTAL Rules. The Exit Report will request whether the exit was effected in compliance with SEC Rule 144, SEC Rule 145, SEC Rule 901, or SEC Rule 906, or was a registered transaction, or a purchase by the issuer of the security, or an NASD approved exit transaction, or was a return of borrowed securities.

Daily reports from CEDEL will identify PORTAL dealers and PORTAL brokers that effect an exit transaction in PORTAL securities without the entry of a transaction report, as each PORTAL dealer and PORTAL broker has their own account at CEDEL. If a PORTAL qualified investor has its own account at CEDEL, the NASD will also be able to identify whether the investor has effected an exit transaction that was not entered in the PORTAL Market through a PORTAL dealer or PORTAL broker (thus, violating PORTAL Rules). However, if a PORTAL qualified investor's agent has an account at CEDEL, and the investor is one of many participating in the agent's CEDEL PORTAL account, the NASD will have more difficulty identifying the particular PORTAL qualified investor that has instructed its agent to direct CEDEL to move securities out of the PORTAL account. In this case, the NASD may be required to query all PORTAL qualified investors participating in the particular CEDEL account.

Since a PORTAL transaction report is required by PORTAL dealers and PORTAL brokers with respect to transfers out of the PORTAL Market (but not within the PORTAL Market), the NASD will have a PORTAL Market generated record of the exit of borrowed securities, with an Exit Report designating the exit transfer as the return of borrowed securities. In the event that a PORTAL qualified investor effects an exit transfer, the PORTAL qualified investor is also required to file an Exit Report with the NASD. In this case, the Exit Report would be a paper report, as PORTAL qualified investors are not permitted to enter transaction reports.

The NASD can verify whether the exit transfer matches an entry transfer based on CEDEL reports, if the PORTAL qualified investor maintains their own account at CEDEL, by comparing the Exit Reports of PORTAL qualified investors with transfers of securities from the investor's CEDEL account. If the PORTAL, qualified investor

participates in its agent's CEDEL account, the NASD may have some difficulty quickly verifying that the exit transaction is a return of borrowed securities. However, Subsection 1(b)(12) to the PORTAL Rules provides the NASD authority to request and obtain from PORTAL qualified investors any information or document necessary to verify compliance with the restrictions on qualified exit transactions and qualified exit transfers pursuant to Sections 15 and 16 to Part I of the PORTAL Rules. With this authority, the NASD believes that it will be able to obtain information from qualified investors with respect to questionable exit transfers and exit transactions.

Moreover, the NASD will conduct an examination of each PORTAL dealer and PORTAL broker every six months to, *inter alia*, review the member's compliance with the qualified exit transaction and qualified exit transfer restrictions of Sections 15 and 16 to Part I of the PORTAL Rules. The frequency of this examination will be reviewed to determine if a more frequent review is necessary or whether a less frequent review is sufficient. This examination will focus on a review of exit transactions in restricted securities conducted pursuant to Regulation S and Rules 144 and 145. The NASD will be able to identify such transactions by means of the Exit Reports required to be filed with the NASD.

The NASD believes that this frequent post-transaction review of exit transactions by PORTAL dealers and PORTAL brokers provides significant and sufficient controls to determine whether a broker/dealer acting on behalf of a seller of Rule 144A securities has complied with the restrictions on resale of Sections 15 and 16 to Part I of the PORTAL Rules. The PORTAL Rules provide the NASD authority to discipline its members and to suspend or terminate the registration of PORTAL participants who engage in violative transactions.

#### Conclusion

Based upon the foregoing analysis, the NASD submits that the PORTAL Market provides a procedure reasonably designed to prevent the transfer of securities to other than qualified investors, unless the securities are registered under the Securities Act or an exemption from registration is available, as required pursuant to Rule 144A(d)(5). Further, it is submitted that the PORTAL Market meets the SEC's concept of a closed trading system that limits trading to qualifying institutions unless the securities are registered under the



Securities Act or sold in a transaction exempt from registration under the Securities Act.

#### Rule 144A Safe Harbor

Based on the foregoing review of the proposed PORTAL Rules, the NASD submits that securities transactions made in compliance with the rules of the PORTAL Market would be made in compliance with Rule 144A and that participants would be able to rely on the Rule 144A safe harbor to the extent that information is provided to a purchaser as required by Rule 144A(d)(4).

#### Statutory Basis

The proposed rule change is consistent with the provisions of Section 11A(a)(2) of the Exchange Act of 1934, as the proposed PORTAL Rules will establish a new trading system "for particular types of securities with unique trading characteristics." By establishing the proposed PORTAL Market, the proposed rule change will permit the trading of unregistered securities by qualified investors in compliance with Rule 144A and in a manner designed to prevent the trading of unregistered securities in the United States by persons not meeting the requirements of Rule 144A. The proposed rule change is also consistent with the provisions of Section 15A(b)(6) of the Exchange Act in that the PORTAL Rules are designed to promote just and equitable principles of trade and to remove impediments to and perfect the mechanisms of a free and open market.

#### B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed change establishes criteria for securities and participants in a new trading market for unregistered securities that are based on those in proposed SEC Rule 144A and are intended to enforce the requirements of Rule 144A. Therefore, the proposed rule change does distinguish between securities, investors and dealers in the securities in the proposed new trading market and will result in certain investors, dealers and securities not being permitted access to the trading market. The NASD believes, however, that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

#### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by December 20, 1989.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: November 24, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-26091 Filed 11-28-89; 8:45 am]

BILLING CODE 8010-01-M

#### DEPARTMENT OF STATE

[CM-8/1328]

#### National Committee of the U.S. Organization for the International Radio Consultative Committee; Meeting

The Department of State announces that the National Committee of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet at 1:30 p.m., December 7, 1989 in

Room 1105 of the Department of State, 2201 C Street NW., Washington, DC. It is essential that all participants indicate their desire to attend in advance of the meetings. An escort will be at the main entrance to the building (22nd and C Streets) during the period 1:15-1:35 p.m. to assist attendees.

The purpose of the United States Organization is to assist and advise the Department on matters concerning participation in the international CCIR activities. It is charged with promoting the best interests of the United States, providing advice on matters of policy and positions in preparation for Study Group meetings, and recommending the disposition of proposed U.S. contributions to the international CCIR which are submitted to the Committee for consideration. The National Committee constitutes a steering body, and as such has purview of the work of the national study groups and other activities.

The main purposes of the meeting will be to consider:

1. Results of the CCIR Final Study Group Meetings held recently in Geneva;
2. Preparations for the upcoming CCIR Plenary Assembly scheduled for May 21-June 1, 1990, in Dusseldorf;
3. Establishment of the High-Level Committee to carry out the Review of ITU Structure and Functioning;
4. Other business (next meeting will be January 10, 1990).

Members of the general public may attend the meeting and join in discussions subject to instructions of the Chairman. Admittance of public members is limited to available seating. All persons wishing to attend the meeting must contact the office of Richard Shrum, Department of State, Washington, DC; phone (202) 647-2592, telefax (202) 647-5957, in order to pre-register and arrange for entry into the State Department. Entrance to the building is controlled and attendees must use the C Street entrance.

Dated: November 21, 1989.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 89-27881 Filed 11-28-89; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/1329]

#### Study Group 2 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 2 of the U.S.



Organization for the International Radio Consultative Committee (CCIR) will meet on December 18, 1989, at NASA Headquarters, 600 Independence Avenue, Washington, DC in Room 521J at 10:00 a.m.

Study Group 2 deals with matters relating to the space research services among other things. The purpose of the meeting is to preparations for participation in newly formed international working parties and particularly for the 1992 World Administrative Radio Conference.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Request for further information should be directed to Mr. John Postelle, ARC Professional Services Group, Herndon, Virginia 22070, phone (703) 834-5607.

Dated: November 21, 1989.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR. Doc. 89-27882 Filed 11-28-89; 8:45 am]

BILLING CODE 4710-07-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Contra Costa County, CA

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Contra Costa County, California.

**FOR FURTHER INFORMATION CONTACT:** C. Glenn Clinton, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95812-1915, Telephone: (916) 551-1314.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with Caltrans, will prepare a Tier 1, Environmental Impact Statement (EIS) on a proposal to protect the right-of-way in the Route 680/Route 4 interchange area. This action is necessary in order to provide Maximum flexibility for future modifications to this interchange when traffic demand approaches the capacity of the existing cloverleaf.

It is requested that agencies which may have knowledge about historic resources potentially affected by the proposal, or who are interested in the effects of the project on historic properties, present their views at this time.

The EIS will discuss the no action or "do nothing" alternative and a protection and/or acquisition alternative based on a west-shift realignment of Route 680.

The proposed scoping process includes the distribution of a Notice of Preparation to each responsible and trustee agency pursuant to the California Environmental Quality Act, publication of this Notice of Intent in the *Federal Register* and a scoping meeting to be held early next year. The time and location of this meeting will be advertised in advance in local newspapers.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: November 20, 1989.

C. Glenn Clinton,

District Engineer, Sacramento, California.

[FR Doc. 89-27929 Filed 11-28-89; 8:45 am]

BILLING CODE 4910-22-M

#### Environmental Impact Statement; Ellis County, TX

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will not be prepared for a proposed highway project in Ellis County, Texas.

**FOR FURTHER INFORMATION CONTACT:** W.L. Hall, Jr., P.E., District Engineer, Federal Highway Administration, 826 Federal Building, Austin, Texas 78701, (512) 482-5988.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Texas State Department of Highways and Public Transportation (DHT), does not intend to prepare an Environmental Impact Statement (EIS) on a proposal to upgrade a portion of U.S. 287 in Ellis County, Texas, to a four-lane divided, non-controlled access facility. A Notice of Intent to prepare an Environmental Impact Statement for the proposed action was published in the *Federal Register* on December 30, 1988. Since

that time, it has become apparent that sufficient impacts to warrant an EIS will not occur as a result of this action. A new Environmental Assessment has been prepared, and a Finding of No Significant Impact (FONSI) will be sought for the proposed project. Because of difficulty in predicting availability of funds, the DHT has not yet decided whether to use State or Federal funds to finance construction of this project.

The highway section under study passes through the City of Midlothian (1982 Pop. 9,447). The corridor study begins at the proposed S.H. 360-U.S. 287 interchange which is approximately 5.0 miles west of Midlothian and ends at a point near the town of Sardis, approximately 6.1 miles east of Midlothian. The existing facility is, for the most part, a two-lane roadway with a four-lane roadway existing through the central business district of Midlothian. U.S. 287 has become a major link for truck traffic from the Dallas/Fort Worth area to the Houston/Galveston area.

Truck traffic averages approximately 26 to 28 percent of the average daily traffic on the facility. The existing facility through the central business district of Midlothian is unable to handle the present traffic. Highway volumes of traffic are expected in the future with the present growth expected to continue. Truck traffic is expected to increase along with the continued rate of increase in traffic. Truck traffic creates a problem in the central business district with its narrow streets and minimum building setbacks.

This proposed project in conjunction with the construction around Ennis and Waxahachie will provide fast, direct, safe and efficient transportation service from the Dallas/Fort Worth metropolitan area to a direct connection with I.H. 45 to the Houston/Galveston area. Separation of the intra-city traffic from through traffic will reduce congestion in the city and better serve local traffic. By separation of short local trips from through trips, access to local housing, businesses, schools and churches will be improved. The proposed improvement will benefit through traffic by eliminating the usual delays and interruptions associated with city travel. Several alternatives will be considered for the proposed action, including the consideration of possible bypass routes. One alternative will be along the existing facility with signalization improvements and other traffic flow improvements in the central business district considered. The "no-build" alternative will also be considered.



There are currently no plans to hold formal scoping meetings for this proposal. A public meeting was held on June 8, 1985 for the proposed action. An opportunity to request a public hearing will be afforded at a later date. Adequate notice will be given through the news media concerning the public hearing opportunity and any ensuing hearings. To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the environmental assessment should be directed to the FHWA at the address provided above.

Anthony J. Fusco,

Assistant Division Administrator, Austin, Texas.

[FR Doc. 89-27930 Filed 11-28-89; 8:45 am]

BILLING CODE 4910-22-M

### Saint Lawrence Seaway Development Corporation

#### Advisory Board; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 2:00 p.m., December 19, 1989, at the Corporation's Administration Headquarters, Room 5424, 400 Seventh Street SW., Washington, DC. The agenda for this meeting will be as follows: Opening Remarks, Consideration of Minutes of Past Meeting; Review of Programs; Business, Closing Remarks.

Attendance at meeting is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact not later than December 12, 1989, Marc C. Owen, Advisory Board Liaison, Saint Lawrence Seaway Development Corporation, 400 Seventh Street SW., Washington, DC 20590; 202-360-0091.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, DC, on November 21, 1989.

Marc C. Owen,

Advisory Board Liaison.

[FR Doc. 89-27931 Filed 11-28-89; 8:45 am]

BILLING CODE 4910-61-M

### DEPARTMENT OF THE TREASURY

#### Public Information Collection Requirements Submitted to OMB for Review

Date: November 21, 1989.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2409, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

#### Departmental Offices

OMB Number: 1505-0095.

Form Number: None.

Type of Review: Extension.

Title: Soviet Gold Coin Regulations.

Description: Submission will provide the U.S. Government with information to be used in administering and enforcing prohibitions against importing Soviet gold coins.

Respondents: Individuals or households, Businesses or other for-profit.

Estimated Number of Respondents: 3.

Estimated Burden Hours Per

Response: 1 hour.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 3 hours.

Clearance Officer: Dale A. Morgan (202) 566-2693, Departmental Offices, Room 2409, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 89-27898 Filed 11-28-89; 8:45 am]

BILLING CODE 4810-25-M

#### Rechartering of the Advisory Group to the Commissioner of Internal Revenue

Pursuant to the Federal Advisory Committee Act of October 6, Public Law 92-463, as amended, and with the approval of the Secretary of the Treasury, announces the rechartering of the following advisory committee. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Title: The Advisory Group to the Commissioner of Internal Revenue.

The primary purpose of the Advisory Group is to provide an organized public forum for discussions of relevant tax administration issues between officials of IRS and representatives of the public. The Advisory Group also offers constructive observations about IRS' current or proposed policies, programs, and procedures and, where necessary, suggests ways to improve IRS' operations.

The Commissioner and other senior officials receive from the Advisory Group a significant amount of information about the problems taxpayers encounter not only in dealing with IRS but also in meeting obligations imposed on them statutorily. The Service uses the advice of the Advisory Group to develop a tax administration system which reflects, the simplest, most equitable approach to administering the tax system that it is within our power to pursue. Accordingly, the Advisory Group conveys to the Service the public's perceptions of IRS activities.

The services of the Advisory Group are expected to be needed for an indefinite period of time. No termination date has been established which is less than two years from the date this Charter has been filed.

In accordance with the Federal Advisory Committee Act (Public Law 92-463, as amended) the Department of the Treasury has rechartered the Advisory Group to the Commissioner of Internal Revenue for a two year period beginning November 21, 1989.

Dated: November 21, 1989.

Linda M. Combs,

Assistant Secretary of the Treasury (Management).

[FR Doc. 89-27899 Filed 11-28-89; 8:45 am]

BILLING CODE 4810-25-M

#### Rechartering of the Advisory Committee to the National Center for State and Local Law Enforcement Training

Pursuant to the Federal Advisory Committee Act of October 6, 1972, (Public Law 92-463, as amended), and with the approval of the Secretary of the Treasury and the concurrence of General Services Administration, announces the renewal of the following advisory committee:

Title: Advisory Committee to the National Center for State and Local Law Enforcement Training.

Purpose: The primary purpose of the Advisory Committee is to provide a



forum for discussion and interchange between a broad cross-section of representatives for the law enforcement community and related training institutions on training issues and needs. Considering that there are over 40,000 individual policy departments throughout the country, the advice emanating from this exchange is very important to the Director of the Federal Law Enforcement Training Center and the Director of the National Center for State and Local Law Enforcement Training (National Center). The committee's advice is critical to ensuring that programs developed and offered by the National Center are meeting the unique and specialized needs of the State and local law enforcement community and enhancing the networking between Federal, State and local agencies. This networking is essential to an efficient and effective overall system.

Although FLETC representatives participate in the training committee activities of the major policy membership associations, no forum exists which provides the broad representation required to meet the needs of the National Center. The uniqueness of the program requires an appropriately selected and specifically dedicated group.

The committee advises the Director of FLETC and the Director of the National Center for State and Local Law Enforcement Training on policy formulation, training needs, curriculum and course content, student admission and evaluation. There is no question that the committee's input has been very instrumental in the successes enjoyed to this point. Resources have been committed only to those programs which meet unique needs of the State and local law enforcement community. All are quite positive. In addition, State and local agencies have actively participated in the development and delivery of the programs by providing personnel as subject matter experts, course developers and instructors. The programs offered have been developed only after a thorough screening process to ensure that the limited resources available are being committed most productively.

The committee does not duplicate functions being performed with Treasury or elsewhere in the Federal Government.

**Termination Date:** The services of the committee are expected to be needed for an indefinite period of time. No termination date has been established which is less than two years from the date the charter is filed.

Accordingly, I hereby determine, pursuant to the provisions of the Federal Advisory Committee Act, Public Law 92-463, as amended, that continuation of the Advisory Committee to the National Center for State and Local Law Enforcement Training for a two year period, is in the public interest.

Dated: November 6, 1989.

Linda M. Combs,

*Assistant Secretary of the Treasury (Management).*

[FR Doc. 89-27900 Filed 11-8-89; 8:45 am]

BILLING CODE 4810-25-M

## Office of the Secretary

[Department Circular—Public Debt Series—No. 33-89]

### Treasury Notes of November 30, 1991, Series AG-1991

Washington, November 24, 1989.

#### 1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately \$10,000,000,000 of United States securities, designated Treasury Notes of November 30, 1991, Series AG-1991 (CUSIP No. 912827 YF 3), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

#### 2. Description of Securities

2.1. The Notes will be dated November 30, 1989, and will accrue interest from that date, payable on a semiannual basis on May 31, 1990, and each subsequent 6 months on November 30 and May 31 through the date that the principal becomes payable. They will mature November 30, 1991, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt

from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in denominations of \$5,000, \$10,000, \$100,000, and \$1,000,000, and in multiples of those amounts. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the Treasury Direct Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2-86 (31 CFR part 357), apply to the Notes offered in this circular.

#### 3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239-1500, prior to 1:00 p.m., Eastern Standard time, Tuesday, November 28, 1989. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, November 27, 1989, and received no later than Thursday, November 30, 1989.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is \$5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than \$1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.



3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a  $\frac{1}{8}$  of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final.

If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

#### 4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

#### 5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5. must be made or completed on or before Thursday, November 30, 1989. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, November 28, 1989. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in Treasury Direct are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in Treasury Direct must be completed to show all the information required thereon, or the Treasury Direct account number previously obtained.

#### 6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may, at any time, supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Marcus W. Page,

*Acting Fiscal Assistant Secretary.*

[FR Doc. 89-27985 Filed 11-24-89; 4:33 pm]

BILLING CODE 4810-40-M

[Department Circular—Public Debt Series—No. 34-89]

#### Treasury Notes of February 15, 1995, Series J-1995

Washington, November 24, 1989.

#### 1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately \$8,000,000,000 of United States securities, designated Treasury Notes of February 15, 1995, Series J-1995 (CUSIP No. 912827 YG 1), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes



may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

## 2. Description of Securities

2.1. The Notes will be dated December 1, 1989, and will accrue interest from that date, payable on a semiannual basis on August 15, 1990, and each subsequent 6 months on February 15 and August 15 through the date that the principle becomes payable. They will mature February 15, 1995, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000,000, and in multiples of those amounts. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the Treasury Direct Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2-86 (31 CFR part 357), apply to the Notes offered in this circular.

## 3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC. 20239-1500, prior to 1:00 p.m., Eastern Standard time, Wednesday, November 29, 1989. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, November 28, 1989, and received no later than Friday, December 1, 1989.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of the specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than \$1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which

tenders are accepted, an interest rate will be established, at a  $\frac{1}{8}$  of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. That stated rate of interest will be paid on all the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

## 4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this section is final.

## 5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5, must be made or completed on or before Friday, December 1, 1989. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general



regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, November 29, 1989. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in Treasury Direct are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in Treasury Direct must be completed to show all the information required thereon, or the Treasury Direct account number previously obtained.

#### 6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain,

service, and make payment on the Notes.

6.2. The Secretary of the Treasury may, at any time, supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Marcus W. Page,

*Acting Fiscal Assistant Secretary.*

[FR Doc. 89-27986 Filed 11-24-89; 4:33 pm]

BILLING CODE 4810-40-M



# Sunshine Act Meetings

Federal Register

Vol. 54, No. 229

Wednesday, November 29, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 10:00 a.m., Tuesday, December 5, 1989.

**PLACE:** 2033 K St. NW., Washington, DC, 8th Floor Hearing Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Enforcement Matters.

### CONTACT PERSON FOR MORE

**INFORMATION:** Jean A. Webb, 254-6314.

Jean A. Webb,

*Secretary of the Commission.*

[FR Doc. 89-28078 Filed 11-27-89; 1:31 pm]

**BILLING CODE** 6351-01-M

## FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Special Meeting

**AGENCY:** Farm Credit Administration.

**SUMMARY:** Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming special meeting of the Farm Credit Administration Board (Board).

**DATE AND TIME:** The special meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on December 1, 1989, from 10:00 a.m. until such time as the Board concludes its business.

### FOR FURTHER INFORMATION CONTACT:

David A. Hill, Secretary to the Farm Credit Administration Board, (703) 883-4003, TDD (703) 883-4444.

**ADDRESS:** Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

**SUPPLEMENTARY INFORMATION:** Parts of this meeting of the Board will be open to the public (limited space available), and parts of this meeting will be closed to the public. The matters to be considered at the meeting are:

### Open Session

1. Consent Calendar;
  - Charter Cancellation, Shelbyville FLBA, Fourth District
2. Rules and Regulations;
  - Proposed Regulations on Service of

- Process, 12 CFR part 600 subpart B
- Proposed Regulations Relating to the Availability of the Farm Credit Administration, Pursuant to the Freedom of Information Reform Act of 1986, 12 CFR part 602
- Final Rule Eliminating Certain Prior Approvals, 12 CFR parts 612, 614, 615 and 618
- 3. Proposed Investment by the FCB of Wichita in the Conservation Reserve Program;
- 4. Proposed Appraisal Policy and Fee Appraisal Service Program of the Western Farm Credit Bank;

### \*Closed Session

5. Examination and Enforcement Matters;
6. Jackson FLB/FLBA, in Receivership.

Dated: November 27, 1989.

\*Session closed to the public—exempt pursuant to 5 U.S.C. 552b(c)(4), (8) and (9).

David A. Hill

*Secretary, Farm Credit Administration Board.*

[FR Doc. 89-28079 Filed 11-27-89; 1:32 pm]

**BILLING CODE** 6705-01-M

## NATIONAL TRANSPORTATION SAFETY BOARD

**TIME AND DATE:** 9:30 a.m. Tuesday, December 5, 1989.

**PLACE:** Board Room, Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20594.

**STATUS:** Open.

### MATTERS TO BE CONSIDERED:

1. Railroad Accident Report: Collision and Derailment of Freight Train and Release of Hazardous Materials, Helena, Montana, February 2, 1989.
2. Petition for Reconsideration: Highway Accident Report—Pickup Truck/Church Bus Collision and Fire, Carrollton, Kentucky, May 14, 1988.
3. Public Hearing: Recommendation for No Hearing re School Bus truck/Collision, Alton, Texas; September 21, 1989. (Calendared by Member Burnett.)

*News Media Please Contact Betty Scott (202) 382-6600*

**FOR MORE INFORMATION CONTACT:** Bea Hardesty, (202) 382-6525.

Dated: November 24, 1989.

Bea Hardesty,

*Federal Register Liaison Officer.*

[FR Doc. 89-28065 Filed 11-27-89; 1:30 pm]

**BILLING CODE** 7533-01-M



# **Federal Register**

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**Wednesday  
November 29, 1989**

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## **Part II**

### **Environmental Protection Agency**

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**40 CFR Parts 230 and 233**

**Treatment of Indian Tribes as States for  
Purposes of Section 404 of the Clean  
Water Act; Proposed Rule**



## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 230 and 233

[FRL-3565-6]

RIN 2040-AB69

### Treatment of Indian Tribes as States for Purposes of Section 404 of the Clean Water Act

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Water Quality Act of 1987 (Pub. L. 100-4) amends the Clean Water Act (CWA) by adding section 518 which requires EPA to promulgate regulations, specifying how Tribes will be treated as States for the following provisions of the CWA: Title II (construction grants), section 104 (research, investigation, and training), section 106 (grants for pollution control), section 303 (water quality standards), section 305 (water quality inventories), section 308 (inspections, monitoring, and entry), section 309 (Federal enforcement), section 314 (Clean Lakes), section 319 (non-point source program), section 401 (certification), section 402 (National Pollutant Discharge Elimination System), and section 404 (dredge and fill permits).

This proposed rule would (a) establish requirements for determining eligibility of Indian Tribes to be treated as States for purposes of section 404 of the CWA and, if found eligible, (b) allow for assumption of the dredge and fill permit program. This regulation would satisfy the statutory provisions in section 518 as provided under section 404 (g)-(l) of the Clean Water Act with respect to the 404 program.

**DATES:** Written comments on this proposed rule will be accepted until January 29, 1990.

**ADDRESS:** Send comments to Office of Wetlands Protection (A-104F), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Lori Williams, 202-382-5043.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

##### A. Statutory Authority

The over-all objective of the Clean Water Act (CWA) as amended is to restore and maintain the chemical, physical and biological integrity of the Nation's water. The two national goals the Act established in 1972 include: (1) Eliminating the discharge of pollutants into navigable waters; and (2) achieving

and interim water quality level that would protect fish, shellfish, and wildlife while providing for recreation in and on the water wherever attainable.

Since 1972, section 101(b) of the CWA makes it national policy to recognize and preserve the States' primary responsibility to meet these goals. Over the past 17 years, the Agency has focused on developing standard operating relationships with the States and localities.

Congress, through amendments to both CWA in 1987 and the Safe Drinking Water Act (SDWA) in 1986, has authorized EPA to treat Indian Tribes as States under various provisions of these Acts. Amendments to both statutes required the Agency to promulgate regulations that would establish exactly how Tribes would be treated as States.

The February 4, 1987 amendments to the CWA added a new section 518 entitled "Indian Tribes." These Amendments authorize EPA to treat Indian Tribes as States for the purposes of certain provisions of the Act, and provide grant and contract assistance (for certain of these programs) to Indian Tribes where appropriate. The Amendments require EPA to promulgate regulations specifying how the Agency will treat an Indian Tribe as a State under the following provisions: Title II (Construction Grants), section 104 (Research, Investigation and Training), section 106 (Grants for Pollution Control), section 303 (Water Quality Standards and Implementation Plans), section 305 (Water Quality Inventory), section 308 (Inspections, Monitoring, and Entry), section 309 (Federal Enforcement), section 314 (Clean Lakes), section 319 (Nonpoint Source), section 401 (Certification), section 402 (National Pollutant Discharge Elimination System), and section 404 (Dredge and Fill Permit Program.)

Section 518(e) of the Clean Water Act establishes certain criteria an Indian Tribe must meet before treatment as a State is authorized: (1) "The Indian Tribe has a governing body carrying out substantial governmental duties and powers;" (2) "the functions to be exercised by the Indian Tribe pertain to the management and protection of water resources which are held by an Indian Tribe, held by the United States in trust for Indians, held by member of an Indian Tribe if such property interest is subject to a trust restriction on alienation or otherwise within the boundaries of a reservation"; and (3) "the Indian Tribe is reasonably expected to be capable, in the Administrator's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and

purposes of the Act and of all applicable regulations."

In addition to the eligibility requirements specified in section 518(e), section 518(h)(2) defines Indian Tribes as follows: "Indian Tribe means any Indian Tribe, band, group, or community recognized by the Secretary of Interior and exercising governmental authority over a Federal Indian reservation." Consequently, Federal recognition and governmental authority over reservation lands are necessary criteria by definition.

##### B. Development of This Rule

Based on the statutory amendments to the CWA, there are currently regulations related to five separate CWA programs at different stages of development in the Agency: (1) Construction Grants program, (2) Water Quality Standards program (including the required conflict resolution mechanism), (3) Dredge and Fill Permit program on Indian lands, (4) National Pollution Discharge Elimination System permit program on Indian lands, and (5) CWA grants programs for Indian lands. To promote consistency among the various regulations being developed, an intra-Agency oversight committee was established. Efforts are being made by this committee to develop parallel requirements where appropriate in order to reduce the burden on Tribes that choose to apply for any of these programs.

EPA has already issued regulations: (1) Specifying how Indian Tribes will be treated as States for purposes of the Public Water System and Underground Injection Control (UIC) programs under the SDWA (53 FR 37396) (referred to below as the "SDWA Indian Primacy Rule"), and (2) promulgating Federal UIC programs on all Indian lands where an applicable program had not been in place (53 FR 43084). The SDWA Indian Primacy Rule is being used as a model for developing parallel regulatory approaches in the forthcoming CWA Indian regulations. The CWA Indian grant regulations were also recently promulgated in interim final form (54 FR 14354).

Section 518(e) of the CWA requires consultation with Indian Tribes during regulations development. The CWA also requires the Administrator to consult affected States sharing common water bodies and provide a mechanism for the resolution of any unreasonable consequences that may arise as a result of differing water quality standards that may be set by States and Tribes located on common bodies of water.



In keeping with this requirement, the Agency decided a multifaceted consultation approach would be most appropriate. Tribal and State representatives were appointed to serve on various CWA Indian workgroups. For the most part, workgroup meetings have been noticed in the *Federal Register* inviting the public to observe and offer comment. Other efforts to consult with Tribes and States have included national meetings across the country to discuss the regulatory approaches proposed in the various CWA regulations, EPA officials attendance at both Tribal and interested State meetings to present regulatory approaches being considered, and distribution of the draft proposed language for broad review at an early stage of the regulation development.

### C. EPA Indian Policy

This rule is consistent with Federal Policy statements regarding Indian Tribes. On January 24, 1983, the Federal government established an Indian Policy Statement providing for treatment of Tribal governments on a government-to-government basis and supporting the principle of self-determination and local decision-making by Indian Tribes.

The EPA's policy is "to give special consideration to Tribal interests in making Agency policy and to ensure the close involvement of Tribal governments in making decisions and managing the environmental programs affecting reservation lands." In practice, EPA's policy is to work directly with Tribal governments as independent authorities for reservation affairs, recognizing that they are not political subdivisions of States.

### D. Supplemental Statutory Background

In 1972, Congress established the 404 permit program to regulate discharges of dredged or fill material into waters of the United States. Congress in the 1977 Amendments to the Federal Water Pollution Control Act (the Clean Water Act), gave States the option of assuming the 404 permit program in certain waters of the State, subject to EPA approval (section 404 (g)-(1)). If a State assumes this responsibility, its jurisdiction includes all waters within its border except (1) those which are subject to the ebb and flow of the tide plus adjacent wetlands and (2) waters which are presently used or may be susceptible to use (through reasonable improvement) to transport interstate or foreign commerce plus adjacent wetlands. The Corps retains jurisdiction over all waters which States cannot assume.

The Act prescribes minimum requirements which States must meet

before exercising their option to assume the program and assigned program approval and oversight responsibility to EPA. On May 19, 1980, EPA promulgated regulations to establish procedures and criteria for approval/disapproval of 404 State programs and for monitoring a State program after program approval. In response to State concerns about rigid mandatory requirements, excessive paperwork burdens, intrusive Federal oversight, and general lack of flexibility, EPA promulgated revised regulations on June 6, 1988. These revisions provide the States more flexibility in program design and administration while still meeting the requirements and objectives of the Act. Once a Tribe is determined to be a State, the Tribe must meet the requirements for an approval program specified in 40 CFR part 233.

### II. Summary and Explanation of Today's Action

Today's proposed rule would implement section 518 of the CWA which authorizes EPA to treat an Indian Tribe as a State for assumption of the dredge and fill permit program if the Indian Tribe meets the eligibility criteria.

The criteria for treating Indian tribes as States under the CWA and the SDWA are very similar. The Agency intends to establish the least burdensome process possible for Tribes to demonstrate State eligibility. When most or all regulations under the SDWA and CWA stipulating how Tribes shall be treated as States are final, the Agency will develop procedures to implement a single application procedure for the SDWA and CWA programs for those aspects that are similar under both statutes.

Most qualification criteria are of a general nature and need only be provided when a Tribe first applies for "treatment as a State" under the SDWA or CWA. For example, the "Federal recognition" and "governmental duties and powers" criteria will usually require the same showing for a Tribe and would ordinarily need to be demonstrated only during the first application a Tribe submitted under either of the Acts.

However, the Agency believes that even with a streamlined application procedure, some qualifications will still need to be demonstrated separately for each program, particularly regarding capability. For example, a Tribe may possess the requisite capability to establish water quality standards but not to assume the Dredge and Fill Permit Program. Yet the Agency does not wish to put Tribes through the burden of filing complete applications for treatment as a State for each separate program.

Consequently, the Agency will allow Indian Tribes which have previously been designated as a State under either SDWA or CWA to provide only that information which is unique to the specific additional program(s) (which may include demonstrating adequate regulatory authority to administer the specific program) the Tribe is applying for. Requirements which may be unique for the dredge and fill program are § 233.61(d) (4) and (5).

As is the case for States, an Indian Tribe must have its own legal authorities to administer a program under the CWA; EPA cannot delegate its own authority. However, the Agency considered whether the lack of comprehensive criminal enforcement authority would preclude Tribes from applying for the National Pollution Discharge Elimination System (section 402) and the Dredge and Fill Permit programs (section 404) that currently require such authority for an approvable State program.

Section 1451 of SDWA specifically states that Indian Tribes are not required to exercise criminal enforcement jurisdiction for primary enforcement responsibility. The CWA amendments, however, do not include similar language indicating whether it would be appropriate to treat a Tribe not having criminal enforcement authority over all individuals on the reservation as a State where such authority is currently required for State program assumption.

The Agency realizes that a comprehensive criminal enforcement requirement could raise substantial impediments to Tribal assumption of those CWA programs that require such authorities of States. Federal law bars Indian Tribes from criminally trying or punishing non-Indians in the absence of a treaty or other agreement to the contrary. *Oliphant v. Suquamish Indian Tribe* 435 U.S. 191 (1978). In addition, the Federal Indian Civil Rights Act prohibits any Indian court or tribunal from imposing any criminal fine greater than \$5,000 (25 U.S.C. 1302(7)).

The Agency believes that even though Congress did not explicitly waive the requirement under CWA, as under SDWA, that Congress nonetheless intended Tribes to be able to obtain primacy without demonstrating comprehensive criminal enforcement authority. If EPA were to infer that Congress, by failing to insert language similar to that contained in section 1451 of SDWA, intended not to waive the criminal enforcement requirement, EPA's reading would make part of section 518 of CWA a nullity, since



absent further legislative action, no Tribe would be able to assume a program under 402 or 404 of CWA. This reading would contradict the apparent intent of section 518 to allow Tribes to assume all specified CWA programs where they meet the section 518(e) criteria and further would violate two traditional rules of statutory construction: (1) Legislation should not be interpreted as being meaningless, if at all possible; and (2) ambiguous statutes should be interpreted to the benefit of the Tribes.

Section 233.41 of the 404 State Program Regulations (SPR) requires that a State have criminal enforcement authority to have an approvable 404 State program. This notice proposes to amend the existing regulations so that Tribes will not be required to exercise comprehensive criminal enforcement jurisdiction as a condition to assuming the 404 program. Tribes would, instead, be required to provide for the referral of criminal enforcement matters when Tribal enforcement authority does not exist (e.g., non-Indians or fines over \$5,000) to EPA and/or the Corps, as the parties agree in an appropriate and timely manner. Such procedures must be established in a formal Memorandum of Agreement (MOA) with the Regional Administrator and/or the appropriate District Engineer(s) of the Corps. There may be a single MOA among the tribe, EPA and the Corps; separate MOA's between the Tribe and EPA and the Tribe and the Corps; or only one MOA, between the Tribe and EPA or the Corps, if the parties so agree. The MOA(s) used to satisfy this agreement may, but do not have to be, the same as those required in 40 CFR 233.13 and 233.14.

Thus, the lack of comprehensive Tribal criminal enforcement authority should not prevent a Tribe from having an approvable 404 State program.

We are particularly interested in receiving comments and/or suggestions from the Tribes on establishing procedures to effectively and efficiently handle the referral of the criminal enforcement cases over which the Tribes do not have enforcement authority.

Because CWA program funds are limited, many Indian Tribes may decide it is not cost-effective or otherwise beneficial to apply for various CWA program authorities. The Agency encourages Tribes to carefully consider which of the available programs would be beneficial to assume and to target the Tribal efforts and resources towards those specific programs. The Agency notes that Tribal assumption of the

CWA program discussed in today's rule is voluntary on the part of the Tribes.

In order to facilitate consistent implementation of the requirements of CWA, an Indian Tribe and the State or States adjacent to the lands of such Tribe are located may enter into a cooperative agreement, subject to the review and approval of the Administrator, to jointly plan and administer the requirements of this Act (see section 518(d) of the CWA.)

The Agency highly encourages such cooperative agreements, because of the relative benefits such as information and resource sharing. The Agency does not have any specific criteria that a cooperative agreement must meet, so long as all parties involved approve it and it complies with the intent and administrative requirements of CWA. In situations where EPA is a signatory to a cooperative agreement, all Federal requirements that govern such agreements must also be met.

Draft cooperative agreements should be submitted to the Regional Administrator for review and approval. If necessary, the Agency will develop guidance to assist the Tribes and states in developing cooperative agreements.

#### A. Treatment of Indian Tribes as States

This rule would create procedures for Indian Tribes to apply to EPA for treatment as a State in order to be eligible to subsequently apply for assumption of the dredge and fill permit program as provided under section 404(g)-(1). This rule revises 40 CFR part 230 and creates a new subpart G of part 233. A new subpart G of 40 CFR part 233 establishes criteria Indian Tribes must meet for treatment as a State, lists the information the Tribe must provide in its application to EPA, and provides a procedure for formal EPA review of applications for "treatment as a State." The requirements a Tribe must meet under all the CWA Indian regulations are as similar as possible leaving room for program specific requirements which are explained further in the capability requirements section of this notice.

As mentioned previously, Section 518 of the CWA stipulates that a Tribe is eligible for treatment as a State if it meets the following criteria:

- (1) Is Federally recognized;
- (2) It carries out substantial governmental duties and powers over a Federal Indian reservation;
- (3) Has appropriate regulatory authority over surface waters of the reservation; and
- (4) Is reasonably expected to be capable of administering the relevant CWA program;

The Agency believes the language in Section 518 requires that each of these eligibility criteria be satisfied through a

separate demonstration by a Tribe following the procedures these regulations will set forth. These procedures are intended to ensure Tribes who are treated as States meet the requirements in the CWA not to act as a barrier to program assumption. The Agency hopes that as many Tribes as possible will assume responsibility for the CWA programs where the Tribe and the Agency deem it appropriate.

#### 1. Federal Recognition

With respect to Federal recognition as an Indian Tribe, the Secretary of the Interior periodically publishes a list of Federally recognized Tribes. If the applicant appears on this list it need only state that this is so. If the Tribal name does not appear on this list because the list has not been updated, the Tribe can still provide appropriate documentation to EPA verifying that it is Federally recognized by the Secretary of Interior.

#### 2. "Substantial Governmental Duties and Powers"

In addition, a Tribe must satisfy the second criteria that the Tribe is "carrying out substantial governmental duties and powers." The Agency defines "substantial governmental duties and powers" to mean that the Tribe is currently performing governmental functions to promote the public health, safety, and welfare [of the affected population] within a defined geographical area.

Many Indian Tribal governments perform functions traditionally performed by sovereign governments. Examples of such functions include, but are not limited to, levying tax, acquiring land by exercising the power of eminent domain, and police power (i.e., providing for the public health, safety, and general welfare of the affected population). Based on comments on the SDWA Indian Primary rule, the Agency believes that most Tribes will be able to meet these criteria without much difficulty. (See 53 FR 37399).

The Agency intends to minimize the burdens to a Tribe to demonstrate that it carries out substantial governmental duties and powers. The Agency proposes to require a narrative statement: (1) Describing the form of Tribal government; (2) describing the types of essential governmental functions currently performed such as those listed above; and (3) identifying the legal authorities for performing these functions (e.g., Tribal constitutions, codes, etc.).

The Agency merely intends the functions listed above (e.g., police



powers affecting the health, safety and welfare, taxation, and power of eminent domain) as examples. It is not necessary that an applicant be currently performing each such function to qualify for treatment as State. The Agency intends only to require sufficient documentation to determine whether a Tribe satisfies the statutory requirement of "carrying out substantial governmental duties and powers."

### 3. Jurisdiction

The third requirement a Tribe must meet for treatment as a State is that "the functions to be exercised by the Tribe must pertain to the management and protection of water resources which are held by an Indian Tribe, held by the United States in trust for Indians, held by a member of an Indian Tribe if such property interest is subject to a trust restriction on alienation, or otherwise within the boundaries of a reservation."

This provision contains different language than that of section 1451(a)(2) SDWA which states: "The functions to be exercised by the Indian Tribe are within the area of the Tribal Government's jurisdiction." Whereas CWA section 518 language suggests that Tribes may only regulate those water resources which are within the exterior boundaries of a Federal Indian reservation, the parallel SDWA provision makes no such explicit limitation. As a result of this different statutory definition under SDWA, Tribes are not precluded from applying for treatment as a State for any lands over which the Tribe believes it has regulatory authority. (See 53 FR 37400.)

The CWA establishes a somewhat narrower part of Indian country for which EPA will recognize Tribal authority by restricting Tribal eligibility for treatment as a State to lands "otherwise within reservation boundaries." The Agency anticipates that this language may reduce the potential for disputes since authority to regulate within boundaries is more readily determined.

Comments received on the SDWA primacy regulations suggest that Tribes should not face the burden of proving their jurisdiction, i.e., that they should receive the same general recognition of sovereign authority that EPA accords States. The Agency recognizes that there is substantial support for the general proposition that a Tribal government has authority to administer CWA programs within the exterior boundaries of the Tribe's reservation. The Agency does not believe, however, that it is appropriate to establish a rebuttable presumption concerning Tribal governmental authority. Just as when

EPA considers a State application, EPA must not delegate program responsibility to a Tribe unless the Tribe can adequately show it possesses the requisite authority.

The Agency recognizes that there may be some disputes regarding the extent of Tribal authority to administer CWA programs and therefore believes it necessary to require documentation to demonstrate adequate authority by Tribes applying for CWA programs. The request that a given Tribe establish its authority to administer CWA programs is not meant to be a barrier or a deterrent to that Tribe's attainment of these programs. Rather the intent of these requirements is to raise at an early date the presence or absence of a key element to effective administration of CWA programs.

The process the Agency proposes to establish for Tribes to demonstrate their authority includes the submission of a statement signed by the Tribal Attorney General or an equivalent official explaining the legal basis for the Tribe's regulatory authority to administer the desired program(s). The statement is similar to the statement currently required of States applying for 404 program assumption (40 CFR 233.12). The Attorney General's statement will supplement the other documentation mentioned in § 233.61 of this proposed rule (e.g., a map, copies of tribal codes and ordinances, etc.). The Attorney General's statement with the supporting documentation will assist EPA in verifying that the Tribe has the necessary authority to administer the appropriate CWA program.

### 4. Tribal Capability

The fourth criterion that a Tribe must meet is that, in the Administrator's judgment, the Tribe must be "reasonably expected to be capable" of administering an effective program. In evaluating a Tribe's demonstration that it is "reasonably expected to be capable" of administering an effective dredge and fill permit program, the Administrator will consider from among the following five factors those which are appropriate for the dredge and fill permit program:

- (1) The Tribe's previous management experience;
- (2) Existing environmental or public health programs administered by the Tribe;
- (3) The mechanism(s) in place for carrying out the executive, legislative, and judicial functions of the Tribal government;
- (4) The relationship between regulated entities and the administrative agency of the Tribal government which is, or will be, designated as the primacy agent; and

(5) The technical and administrative capabilities of the staff to administer and manage the program.

The Agency recognizes that certain Tribes may not have substantial experience in administering environmental programs. Although lack of this experience will not preclude a Tribe from demonstrating the required capability, the presence of such experience will be of significant importance to the Agency.

The EPA proposes to request information on the Tribe's executive, legislative, and judicial functions to assure that the Tribe has the capability to administer a program approved under the Clean Water Act.

The EPA's evaluation of the Tribe's capability will also consider the relationship between the existing or proposed Tribal agency which will assume the dredge and fill permit program and any potential regulated Tribal entities.

A common situation among Indian Tribes is that the Tribe is both the regulator and regulatee. Such a situation could result in a conflict of interest if EPA delegated the program to the Tribe, since the Tribe would be regulating itself. The Agency believes that independence of the regulator and regulatee is necessary to assure effective and fair administration of these programs.

This approach is not meant to require the Tribes to divest themselves of ownership of any regulated entities it owns or operates. One possible solution to the problem could be the creation of an independent organization to regulate Tribal entities subject to CWA regulatory requirements. Similar arrangements could be established utilizing existing Tribal organizations.

Failure to resolve the regulator/regulatee conflict will not preclude a Tribe from being eligible for treatment as a State but is intended to alert Tribes at an early date about a potential bar to regulatory program assumption that must be resolved. Resolution of the regulator/regulatee issue relative to the CWA programs will be evaluated on a case-by-case basis. EPA does not intend to limit Tribal flexibility in creating structures which will ensure adequate separation of the regulator and the regulated entity.

The Agency is aware that, in limited cases, States also are in a similar situation of being both regulator and regulatee. However, State infrastructures are typically such that the State agency operating the regulated entity is not the same State agency that has primary enforcement authority. This



is in contrast to the typical situation exhibited by Indian Tribes which may own and operate most or all regulated entities.

The Agency encourages smaller Tribes to consider consortiums or intertribal agencies as ways to obtain the necessary expertise to administer these programs and to make the attainment of primacy cost-effective and beneficial to the Tribe. The Agency will consider and evaluate all applications it receives, regardless of the applicant's size, on a case-by-case basis.

Although EPA will consider applications by a group or consortium of Tribes within the same geographical area, each applicant must still meet all eligibility requirements to be treated as a State, particularly the jurisdictional requirement.

#### *B. Process for Evaluating Applications*

Within thirty days after receipt of a Tribe's complete application for treatment as a State (which has all the information required in § 233.60), EPA will notify appropriate governmental entities (e.g., neighboring Tribal and State governments) of the receipt of the application and the substance of and basis for the Tribe's assertion of authority over reservation waters.

Each of the governmental entities will have thirty days after receipt of the notice to submit comments to EPA. Comments will be limited solely to the issue of the Tribe's showing under Section 518(e)(2). EPA will not consider comments directed to whether the Tribe meets EPA's other requirements for treatment as a State.

If an Indian Tribe's assertion under 518(e)(2) is subjected to a competing claim, the Administrator will consult with the Tribe, the governmental entity submitting comments, and the Secretary of the Department of the Interior, or his designee. After consultation, and in consideration of comments received, the Administrator will determine whether the Tribe has adequately demonstrated that it meets the requirements of section 518(e)(2). If the Administrator concludes that a Tribe has not adequately demonstrated its authority with respect to certain reservation waters, then Tribal assumption of the dredge and fill permit program will be restricted accordingly. Any such determination by the Administrator is not a determination of the Tribe's general regulatory authority but only with respect to administration of the 404 program. A dispute over a certain area over which a Tribe is asserting authority will not necessarily delay the Agency's decision to treat a Tribe as a State for the non-disputed areas.

This procedure does not imply that States or Federal agencies have veto power over Tribal applications for treatment as a State. Rather, the procedure is simply intended to ensure that the Tribe has the necessary authority to administer the dredge and fill permit program. The Agency will not rely solely on the assertions of a competing regulatory authority; it will make an independent evaluation of the Tribal showing.

The Agency does not believe it will be possible to approve or disapprove all applications for "treatment as a State" within a designated time frame. The Agency fully anticipates that there will be instances where the determinations under section 518 (e)(2) and (e)(3) will require the Agency to go back to a Tribe for clarification or additional information. Likewise, the Agency's experience with States applying for various EPA programs indicates that at times meetings and discussions between EPA and the State are necessary before all requirements are met. The Agency believes that the same process of communication with Tribes will be beneficial in ensuring that Tribes meet the "treatment as a State" criteria in an expeditious manner.

A determination by the Administrator that a Tribe does not meet the requirements for treatment as a State does not preclude the Tribe from resubmitting the application at a future date. If the Administrator determines that a Tribal application is deficient or incomplete, the Tribe should consult with EPA on what changes are necessary.

#### **III. Other Issues—Alaska Native Villages and Oklahoma Tribes**

Under section 518 of the CWA, the Agency concludes that Alaska Native Villages (except for the Annette Island Reserve of the Metlakatla Indian Community) are not eligible to apply for treatment as a State based on the definition of Indian Tribes. The Act uses the following definition in section 518(h): (1) "Federal Indian reservation" means all lands within the limits of any reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; and (2) "Indian Tribe" means any Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a *Federal Indian reservation*." [emphasis added] Since Alaska Native Villages do not exercise authority over reservations, under the terms of the CWA they are

not "Tribes" for purposes of section 518(e).

The Agency's conclusion is based on the fact that since passage of the Alaska Native Claims Settlement Act (25 U.S.C. 1618) in 1971, Alaska Native Villages, with one limited exception, do not exercise governmental authority over a Federal Indian reservation. This lack of authority prevents Alaska Native Villages from being eligible to receive grants or assume programs under section 518 of the Act.

Section 518(g) of the CWA does not affect EPA's analysis of the status of Alaska Native Villages. Section 518(g) states that " \* \* \* no provisions of this Act shall be construed to—

(1) grant, enlarge, or diminish, or in any way affect the scope of the governmental authority, if any, of any Alaska Native organization, including any federally recognized tribe, traditional Alaska Native council, or Native Council organized pursuant to the Act of June 1, 1934 (48 Stat. 987), over lands or persons in Alaska;

(2) create or validate any assertion by such organization or any form of governmental authority over lands or persons in Alaska; or

(3) in any way affect any assertion that Indian country as defined in Section 1151 or title 18, United States Code, exists or does not exist in Alaska.

Section 518(g) merely clarifies that providing for Tribal participation under the CWA, in and of itself, did not change the regulatory status of the Alaska Native Villages.

The Agency also concludes that Tribes on former reservations in Oklahoma and elsewhere likewise are not eligible to apply for the CWA programs addressed in this notice because they also do not meet the definition of Tribes under section 518(h)(1).

#### **IV. Request for Public Comment**

EPA requests public comment and information on all aspects of this proposal. As indicated earlier in the preamble, we are particularly interested in receiving comments on setting up the procedures for handling those criminal enforcement cases over which the Tribes do not have enforcement authority. EPA notes that very similar regulations were recently proposed for the CWA grants program. Commentors need not resubmit comments generic to all CWA Indian program regulations.

#### **V. Other Regulatory Requirements**

##### *A. Compliance With Executive Order 12291*

Executive Order 12291 (46 FR 13193, February 9, 1981) requires that a regulatory agency determine whether a



new regulation will be "major" and, if so, that a Regulatory Impact Analysis be conducted. A major rule is defined as a regulation which is likely to result in:

- (1) An annual effect on the economy of \$100 million or more;
- (2) A major increase in costs or prices for consumers; individual industries; Federal, State and local government agencies; or geographic regions; or
- (3) Significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Since the proposed rule does not meet the definition of a major regulation, the Agency is not conducting a Regulatory Impact Analysis. The proposed rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB to EPA and any response to these comments will be available for public inspection from the person listed at the beginning of this notice.

#### B. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An Information Collection Request document has been prepared by EPA (ICR No. 1542) and a copy may be obtained from Harold Woodley, Information Policy Branch; EPA; 401 M St., SW (PM-223); Washington, DC 20460 or by calling 202-382-2738.

Public reporting burden for this collection of information is estimated to average 100 hours per response including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspects of this collection of information, including suggestions for reducing the burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

#### C. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, EPA must prepare a Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. The RFA recognizes three kinds of small entities and defines them as follows:

- Small governmental jurisdictions—any government of a district with a population of less than 50,000.
- Small business—any business which is independently owned and operated and not dominant in its field as defined by Small Business Administration regulations under section 3 of the Small Business Act.
- Small organization—any not-for-profit enterprise that is independently owned and operated and not dominant in its field (e.g., private hospitals and educational institutions.)

Using the above definition of small entity, EPA has concluded that the proposed regulation, if promulgated, will not have a significant impact on a substantial number of small entities, and that a Regulatory Flexibility Analysis is unnecessary. EPA has reached this conclusion based on the following considerations.

The proposed regulation will not have a significant impact on a substantial number of small governmental organizations. Approximately 275 Indian Tribes are potentially eligible for treatment as a State under the wetlands program. While most Indian Tribes meet the definition of small governmental organization provided above, EPA believes the number of tribes subject to significant impacts as a result of this proposed regulation will be a very small fraction of the total that apply. EPA considers the information required by this rule to be the minimum necessary to effectively treat Indian tribes as States for the purpose of the 404 permit program.

The proposed regulation will not have a significant impact on a substantial number of small businesses. Although it is conceivable that an Indian tribe could impose additional requirements upon a permit applicant than the Corps, EPA believes that these situations will be rare. Any additional economic impact on the public resulting from implementation of this proposed regulation is expected to be negligible, since tribal regulation of these activities is limited to areas within tribal jurisdiction.

The proposed regulation will not have a significant impact on a substantial number of small organizations for the

same reasons that the proposed regulation will not have a significant impact on a substantial number of small businesses.

Accordingly, I certify that this proposed regulation, if promulgated, would not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 40 CFR Parts 230 and 233

Indian lands, Intergovernmental relations, Navigation, Penalties, Water pollution control, Water supply, Waterways, Wetlands.

Dated: November 15, 1989.

F. Henry Habicht,

Acting Administrator, Environmental Protection Agency.

Therefore, it is proposed that 40 CFR chapter I be amended as follows:

#### PART 230—SECTION 404(b)(1) GUIDELINES FOR SPECIFICATION OF DISPOSAL SITES FOR DREDGED OR FILL MATERIAL

1. The authority citation for part 230 is revised to read as follows:

Authority: Secs. 404(b) and 501(a) of the Clean Water Act, (33 U.S.C. 1344(b) and 1361(a)).

2. Section 230.3 is amended by removing the paragraph designations and the phrase "The term" and alphabetizing the definitions and by adding, in alphabetical order, new definitions for "Federal Indian reservation," "Indian Tribe," and "State" to read as follows:

#### § 230.3 Definitions.

"Federal Indian reservation" means all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.

"Indian Tribe" means any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian reservation.

"State" means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or an Indian Tribe as defined in



these regulations, which meet the requirements of § 233.60.

## PART 233—404 STATE PROGRAM REGULATIONS

1. The authority citation for part 233 continues to read as follows:

Authority: Clean Water Act, 33 U.S.C. 1251 et seq.

### Subpart A—General

2. Section 233.1 is amended by revising paragraph (b) to read as follows:

#### § 233.1 Purpose and scope.

(b) Except as provided in § 232.3, a State program must regulate all discharges of dredged or fill material into waters regulated by the State under section 404(g)-(1). Partial State programs are not approvable under section 404. A State's decision not to assume existing Corps' general permits does not constitute a partial program. The discharges previously authorized by general permit will be regulated by State individual permits. However, in many cases, States other than Indian Tribes will lack authority to regulate activities on Indian lands. This lack of authority does not impair that State's ability to obtain full program approval in accordance with this part, i.e., inability of a State which is not an Indian Tribe to regulate activities on Indian lands does not constitute a partial program. The Secretary of the Army acting through the Corps of Engineers will continue to administer the program on Indian lands if a State which is not an Indian Tribe does not seek and have authority to regulate activities on Indian lands.

2. Section 233.2 is amended by removing the paragraph designations and alphabetizing the definitions, by adding, in alphabetical order, new definitions for "Federal Indian reservation" and "Indian Tribe" and by revising the definition of "State" to read as follows:

#### § 233.2 Definitions.

"Federal Indian reservation" means all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.

"Indian Tribe" means any Indian Tribe, band, group, or community recognized by the Secretary of the

Interior and exercising governmental authority over a Federal Indian reservation.

"State" means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or an Indian Tribe, as defined in these regulations, which meet the requirements of § 233.60. For purposes of this regulation, the word State also includes an interstate agency requesting program approval or administering an approved program.

3. Part 233 is amended by redesignating subpart G as subpart H and § 233.60 as § 233.70, and by adding a new subpart G to read as follows:

### Subpart G—Treatment of Indian Tribes as States

Sec.

233.60 Requirements for treatment as a State.

233.61 Request by an Indian Tribe for a determination of treatment as a State.

233.62 Procedure for processing an Indian Tribe's application for treatment as a State.

233.63 Provisions for Tribal criminal enforcement authority.

### Subpart G—Treatment of Indian Tribes as States

#### § 233.60 Requirements for treatment as a State.

Section 518(e) of the CWA, 33 U.S.C. 1378(e), authorizes the Administrator to treat an Indian Tribe as a State for purposes of making the tribe eligible to apply for assumption of the 404 permit program under section 404(g)-(1) if it meets the following criteria:

(a) The Indian Tribe is recognized by the Secretary of the Interior.

(b) The Indian Tribe has a governing body carrying out substantial governmental duties and powers.

(c) The functions to be exercised by the Indian Tribe pertain to the management and protection of water resources which are held by an Indian Tribe, held by the United States in trust for the Indians, held by a member of an Indian Tribe if such property interest is subject to a trust restriction on alienation, or otherwise within the borders when Indian reservation.

(d) The Indian Tribe is reasonably expected to be capable, in the Administrator's judgment, of carrying out the functions to be exercised, in a manner consistent with the terms and purposes of the Act and applicable

regulations, of an effective Section 404 dredge and fill permit program.

#### § 233.61 Request by an Indian Tribe for a determination of treatment as a State.

An Indian Tribe may apply to the Regional Administrator for a determination that it qualifies for treatment as a State pursuant to section 518 of the Act, for purposes of the section 404 program. The application shall be concise and describe how the Indian Tribe will meet each of the requirements of § 233.60. The application shall include the following information:

(a) A statement that the Tribe is recognized by the Secretary of the Interior.

(b) A descriptive statement demonstrating that the Tribal governing body is currently carrying out substantial governmental duties and powers over a defined area. This statement shall:

(1) Describe the form of the Tribal government.

(2) Describe the types of government functions currently performed by the Tribal governing body, such as, but not limited to, the exercise of police powers affecting (or relating to) the health, safety, and welfare of the affected population; taxation; and the exercise of the power of eminent domain; and

(3) Identify the source of the Tribal government's authority to carry out the governmental functions currently being performed.

(c)(1) A map or legal description of the area over which the Indian Tribe asserts regulatory authority pursuant to section 518(e)(2) of the CWA and § 233.60(c);

(2) A statement by the Tribal Attorney General (or equivalent official) which describes the basis for the Tribe's assertion under section 518(e)(2) (including the nature or subject matter of the asserted regulatory authority); and

(3) A copy of all documents such as Tribal constitutions by-laws, charters, executive orders, codes, ordinances, and/or resolutions which support the Tribe's assertion of regulatory authority;

(d) A narrative statement describing the capability of the Indian Tribe to administer an effective 404 permit program. The statement shall include:

(1) A description of the Indian Tribe's previous management experience including, but not limited to, the administration of programs and services authorized by the Indian Self Determination & Education Act (25 U.S.C. 450 et seq.), the Indian Mineral Development Act (25 U.S.C. 2101 et seq.), or the Indian Sanitation Facility



Construction Activity Act (42 U.S.C. 2004a).

(2) A list of existing environmental or public health programs administered by the Tribal governing body, and a copy of related Tribal laws, regulations, and policies;

(3) A description of the entity (or entities) which exercise the executive, legislative, and judicial functions of the Tribal government.

(4) A description of the existing, or proposed, agency of the Indian Tribe which will assume primary responsibility for establishing and administering a section 404 dredge and fill permit program or a plan which proposes how the Tribe will acquire additional administrative and technical expertise. The plan must address how the Tribe will obtain the funds to acquire the administrative & technical expertise.

(5) A description of the technical and administrative abilities of the staff to administer and manage an effective 404 dredge and fill permit program.

(e) The Administrator may, at his discretion, request further documentation necessary to support a Tribal request for treatment as a State.

(f) If the Administrator has previously determined that a Tribe has met the requirements for "treatment as a State" for programs authorized under the Safe Drinking Water Act or the Clean Water Act, then that Tribe need only provide

that additional information unique to the particular statute or program for which the Tribe is seeking additional authorization.

**§ 233.62 Procedure for processing an Indian Tribe's application for treatment as a State.**

(a) The Regional Administrator shall process an application of an Indian Tribe for treatment as a State submitted pursuant to § 233.61 in a timely manner. He shall promptly notify the Indian Tribe of receipt of the application.

(b) Within 30 days after receipt of the Indian Tribe's application for treatment as a State, the Regional Administrator shall notify all appropriate governmental entities. Notice shall include information on the substance of and bases for the Tribe's assertions that it meets the requirements of § 233.60(c).

(c) Each governmental entity so notified by the Regional Administrator shall have 30 days to comment upon the Tribe's assertion of under § 233.60(c). Comments by governmental entities shall be limited to the Tribe's assertion under § 233.60(c).

(d) If a Tribe's assertion under § 233.60(c) is subject to a competing or conflicting claim, the Regional Administrator, after consultation with the Secretary of the Interior, or his designee, and in consideration of other comments received, shall determine whether the Tribe has adequately

demonstrated that it meets the requirements of § 233.60(c) for the dredge and fill permit program.

(e) If the Regional Administrator determines that a Tribe meets the requirements of § 233.61, the Indian Tribe is then eligible to be treated as a State for purposes of 404 program assumption.

(f) The Regional Administrator shall follow the procedures described in § 233.15 in processing a Tribe's request to assume the 404 dredge and fill permit program.

**§ 233.63 Provisions for Tribal criminal enforcement authority.**

To the extent that an Indian Tribe does not assert or is precluded from asserting criminal enforcement authority (§ 233.41 (a)(3)(ii) through (a)(3)(iii)), the Federal government will assume primary criminal enforcement responsibility. The Tribe, with the EPA Region and Corps District(s) with jurisdiction, shall develop a system where the Tribal agency will refer such a violation to the Regional Administrator or the District Engineer(s), as agreed to by the parties, in an appropriate and timely manner. This agreement shall be incorporated into joint or separate Memorandum of Agreement with the EPA Region and the Corps District(s), as appropriate.

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# Federal Register

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Wednesday  
November 29, 1989

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## Part III

### Environmental Protection Agency

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Asbestos-Containing Materials in Schools;  
EPA-Approved Courses and Accredited  
Laboratories Under the Asbestos Hazard  
Emergency Response Act (AHERA);  
Notice



# ENVIRONMENTAL PROTECTION AGENCY

[OPTS-62083; FRL-3668-5]

## Asbestos-Containing Materials in Schools; EPA-Approved Courses and Accredited Laboratories Under the Asbestos Hazard Emergency Response Act (AHERA)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 206(c)(3) of the Toxic Substances Control Act (TSCA) directs the EPA Administrator to publish (and revise as necessary) a list of EPA-approved asbestos courses and tests which are consistent with the Agency's Model Accreditation Plan required under section 206(b) of TSCA and a list of courses and tests which qualify or had qualified for equivalency treatment for interim accreditation during the time period established by Congress in AHERA. Since the August 1989 Federal Register, that time period for States to develop programs has now ended in all States. The grace period for persons with interim accreditation expired in July 1989, in all except seven States. All courses approved for interim accreditation are included in the list for information purposes only.

Section 206(f) of TSCA Title II requires the Administrator to publish quarterly in the Federal Register, beginning August 31, 1988, a list of EPA-approved asbestos training courses. This Federal Register notice includes the cumulative ninth list of course approvals and a list that includes State accreditation programs that EPA has approved as meeting the requirements of the Model Plan. Additionally, this notice includes the most current list as of (October 31, 1989) of laboratories accredited under section 206(d) of TSCA to conduct bulk analysis of asbestos-containing materials. Those laboratories which had previously received interim accreditation from EPA are no longer listed in this Federal Register because EPA interim approval for laboratories ended October 30, 1989.

**FOR FURTHER INFORMATION CONTACT:** Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460, Telephone: (202) 382-3790, TDD: (204) 554-0551.

**SUPPLEMENTARY INFORMATION:** Section 206 of Title II of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2646, required EPA to develop a Model

Accreditation Plan by April 20, 1987. The Plan was issued on April 20, 1987, and was published in the Federal Register of April 30, 1987 (52 FR 15875), as appendix C to subpart E, 40 CFR part 763. To conduct asbestos-related work in schools, persons must receive accreditation in order to inspect school buildings for asbestos, develop management plans, and design or conduct response actions. Such persons can be accredited by States, which are required under Title II to adopt contractor accreditation plans at least as stringent as the EPA Model Plan, or by completing an EPA-approved training course and passing an examination for such course. The EPA Model Accreditation Plan establishes those areas of knowledge of asbestos inspection, management plan development, and response action technology that persons seeking accreditation must demonstrate and States must include in their accreditation programs.

In the Federal Register of October 30, 1987 (52 FR 41826), EPA promulgated a final "Asbestos-Containing Materials in Schools" rule (40 CFR part 763, Subpart E) which required all local education agencies (LEAs) to identify asbestos-containing materials (ACMs) in their school buildings and take appropriate actions to control the release of asbestos fibers. The LEAs are also required to describe their activities in management plans, which must be made available to the public and submitted to State governors. Under Title II, LEAs are required to use specially trained persons to conduct inspections for asbestos, develop the management plans, and design or conduct major actions to control asbestos. The new rule took effect on December 14, 1987.

The length of initial training courses for accreditation under the Model Plan varies by discipline. Briefly, inspectors must take a 3-day training course; management planners must take the inspection course plus an additional 2 days devoted to management planning; and abatement project designers are required to have at least 3 days of training. In addition, asbestos abatement contractors and supervisors must take a 4-day training course and asbestos abatement workers are required to take a 3-day training course. For all disciplines, persons seeking accreditation must also pass an examination and participate in annual re-training courses. A complete description of accreditation requirements can be found in the Model Accreditation Plan at 40 CFR part 763, subpart E, appendix C.I.1.A through E.

In Section 206(c)(3) of Title II, and as amended by Section 206(f), the Administrator, in consultation with affected organizations, is directed to publish quarterly a list of asbestos courses and tests in effect before the date of enactment of this title which qualified for equivalency treatment for interim accreditation purposes, and a list of EPA-approved asbestos courses and tests which the Administrator has determined are consistent with the Model Plan and which qualify a contractor for accreditation. In addition, the Agency has included in this notice the most current list of laboratories which have received only full accreditation from the National Institute of Standards and Technology (NIST), (formerly the National Bureau of Standards (NBS)), for the analysis of bulk materials for asbestos by polarized light microscopy (PLM). Those laboratories which had previously received interim accreditation from EPA are no longer listed in this Federal Register because EPA interim approval for laboratories ended October 30, 1989.

The Federal Register notice of October 30, 1987, included the initial list of course approvals. In addition, the list included State accreditation programs that EPA has approved as meeting the requirements of the Model Plan. The second Federal Register notice of February 10, 1988 (53 FR 3982), the third Federal Register notice of June 1, 1988 (53 FR 20066), the fourth Federal Register notice of August 31, 1988 (53 FR 33574), the fifth Federal Register notice of November 30, 1988 (53 FR 48424), the sixth Federal Register notice of February 28, 1989 (54 FR 8438), the seventh Federal Register notice of May 31, 1989 (54 FR 23392), and the eighth Federal Register notice of August 31, 1989 (54 FR 36166), were cumulative listings of EPA course approvals and EPA-approved State accreditation programs.

This Federal Register notice is divided into five units. Unit I discusses EPA approval of State accreditation programs. Unit II covers EPA approval of training courses. Unit III discusses the AHERA-imposed deadline for persons with interim accreditation. Unit IV provides the list of State accreditation programs and training courses approved by EPA as of October 31, 1989. Subsequent Federal Register notices will add other State programs as they are approved. Training courses received by EPA prior to October 15, 1989, and subsequently approved will also be listed. Unit V contains a listing of all laboratories under the NIST accreditation program for laboratories that are conducting analyses of bulk



samples of ACM. The February 1990 Federal Register notice will include new laboratory listings.

As published in the Federal Register of September 20, 1989, EPA is no longer accepting for review and contingent approval training courses for AHERA accreditation after October 15, 1989. However, a course's status may change after October 15. For example, a contingently approved course may become fully approved and a course with full approval may become disapproved. As mentioned in the September 1989 Federal Register notice, EPA has said it would continue to conduct full approval audits of courses that already have received contingent approval and review for contingent approval and subsequent full approval, courses received by EPA which had been postmarked on or before October 15, 1989. In the future, EPA may reach agreements with States that do not currently have an accreditation program, to turn over responsibility for auditing courses with contingent and full approval as these States develop accreditation programs.

#### **I. EPA Approval of State Accreditation Programs**

As discussed in the Model Plan, EPA may approve State accreditation programs that the Agency determines are at least as stringent as the Model Plan. In addition, the Agency is able to approve individual disciplines within a State's accreditation program. For example, a State that currently only has an accreditation requirement for inspectors can receive EPA approval for that discipline immediately, rather than waiting to develop accreditation requirements for all disciplines in the Model Plan before seeking EPA approval.

As listed in Unit IV, Arkansas, Colorado, Delaware, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, New Jersey, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Virginia, Washington, and Wisconsin have received EPA full approval for two accreditation disciplines, abatement workers as well as contractors and supervisors, that are at least as stringent as the Model Plan. In addition, the States of Colorado, Indiana, Iowa, Massachusetts, Michigan, North Dakota, Rhode Island, South Dakota, Utah, Virginia, and Wisconsin have received full approval for their inspector/management planner and project designer disciplines. Any training courses in those disciplines approved by the aforementioned States are EPA-approved courses for purposes of accreditation. These training courses

are EPA-approved courses for purposes of TSCA Title II in these States and in all States without an EPA-approved accreditation program for the discipline. Current lists of training courses approved by Arkansas, Delaware, Massachusetts, Michigan, New Jersey, North Dakota, Oregon, Rhode Island, South Dakota, Utah, and Virginia are listed under Unit IV. Colorado, Indiana, Iowa, Kansas, Minnesota, Washington and Wisconsin do not have separate provider listings since the States have not independently approved any additional courses.

Each State accreditation program may have different requirements for State accreditation. For example, New Jersey requires participants of its courses to take the State exam. Therefore, those New Jersey-approved course sponsors who are contemplating presenting the training in another State must develop their own examination. They must also submit a detailed statement about the development of the course examination as required by the Model Plan to the Regional Asbestos Coordinator in their region for EPA approval.

#### **II. EPA Approval of Training Courses**

A cumulative list of training courses approved by EPA is included under Unit IV. The examinations for these approved courses under Unit IV have also been approved by EPA. EPA has three categories of course approval: full, contingent, and approved for interim accreditation. As is noted in Unit III, interim accreditation is no longer in effect in all except seven States. Each course that had been approved for interim accreditation will show inclusive dates of this approval. EPA's deadline for interim accreditation will be discussed in Unit III.

Full approval means EPA has reviewed and found acceptable the course's written submission seeking EPA approval and has conducted an on-site audit and determined that the training course meets or exceeds the Model Plan's training requirements for the relevant discipline.

Contingent approval means the Agency has reviewed the course's written submission seeking EPA approval and found the material to be acceptable (i.e., the written course materials meet the Model Plan's training course requirements). However, EPA has not yet conducted an on-site audit.

Successful completion of either a fully approved course or a contingently approved course provides full accreditation for course attendees. If EPA subsequently audits a contingently approved course and withdraws approval due to deficiencies discovered

during the audit, future course offerings would no longer have EPA approval. However, withdrawal of EPA approval would not effect the accreditation of persons who took previously offered training courses, including the course audited by EPA.

Thus far, EPA has taken formal action to revoke or suspend course approvals in two instances. EPA revoked approval from Living Word College's inspector and management planner training courses offered after May 6, 1988. Living Word College is located in EPA Region VII. In addition, EPA has suspended approval from the Safety Management Institute's training courses and refresher courses for workers, inspectors/management planners, and contractors/supervisors. The effective date for the course suspensions is the first week of October 1989. Safety Management Institute is located in EPA Region III.

EPA-approved training courses listed under Unit IV are approved on a national basis. EPA has organized Unit IV by EPA Region to assist the public in locating those training courses that are offered nearby. Training courses are listed in the Region where the training course is headquartered. Although several sponsors offer their courses in various locations throughout the United States, a large number of course sponsors provide most of their training within their own Region.

State accreditation programs have the authority to have more stringent accreditation requirements than the Model Plan. As a result, some EPA-approved training courses listed under Unit IV may not meet the requirements of a particular State's accreditation program. Sponsors of training courses and persons who have received accreditation should contact individual States to check on accreditation requirements.

A number of training courses offered before EPA issued the Model Plan equaled or exceeded the subsequently issued Model Plan's training course requirements. These courses are listed under Unit IV as being approved. It should be noted that the persons who have successfully completed these are fully accredited; they are not limited only to being accredited on an interim basis.

#### **III. Phase out of Interim Accreditation**

TSCA Title II enabled EPA to accredit persons on an interim basis if they attended previous EPA-approved asbestos training and passed a course examination. As a result, the Agency approved certain training courses offered previously for purposes of



accrediting persons on an interim basis. Only those persons who had taken training courses equivalent to the Model Plan's requirements between January 1, 1985 and December 14, 1987, were considered for interim-accreditation under these provisions. An equivalent course means one that was essentially similar in length and content to the curriculum found in the Model Plan. In addition, the examination given for the course had to essentially meet the examination requirements found in the Model Plan. If no examination was offered at the time, course providers seeking interim approval needed to provide an examination.

Persons who took one of the EPA-approved courses for interim accreditation, and could produce evidence that they had successfully completed the course by passing an examination, were accredited on an interim basis. This accreditation was interim since the person was considered accredited for only one year after the date on which the State where the person was employed was required to have established an accreditation program at least as stringent as the EPA Model Plan. TSCA Title II requires States to adopt a contractor accreditation program at least as stringent as the Model Plan within 180 days after the first regular session of the State's legislature convened following the date EPA issued the Model Plan.

The deadline for all States to establish a complete accreditation program was July 1989. In fact, most States were required to have developed a program by July 1988. As a result, after July 1989, the period of interim accreditation expired for persons in all States but Arkansas, Montana, Nevada, North Carolina, Oregon, Pennsylvania, and Texas. In these seven States, the legislatures meet on a bi-annual basis and last met in January 1989; therefore, persons in those States with interim accreditation will not lose their interim status until July 1990. Of course some of the States have already developed EPA-approved State accreditation programs in some disciplines. In any other State that has not developed accreditation programs at least as stringent as the Model Plan, persons accredited on an interim basis are no longer eligible to conduct AHERA work. Such persons were required to complete an EPA-approved course or a State course under a State plan at least as stringent as the EPA Model Plan to receive full accreditation. For example, a person with interim accreditation as a supervisor would have to take a 4-day supervisor's course approved by EPA or

an EPA-approved State program to become fully accredited.

In past Federal Register notices, EPA had also approved the Alaska and Washington State programs for purposes of providing interim accreditation to contractors, supervisors and workers. The State of Illinois had approval for interim accreditation purposes for abatement workers only. By now, these States should have already implemented full accreditation programs. As a result, AHERA interim accreditation, based on courses approved by these States under their programs which were less stringent than the Model Plan, is no longer valid.

Prior to July 1989, The New York City Department of Environmental Protection, Bureau of Air Resources had a training program for asbestos workers and contractors/supervisors that met the requirements for EPA approval of training courses for interim accreditation. As a result, persons who met the training requirements of the New York City Abatement Worker (i.e., "handler") or Contractor/Supervisor program between April 1, 1987, and December 14, 1987, were accredited as listed under Unit IV on an interim basis. However, after July 1989, asbestos abatement workers and contractors/supervisors who received interim accreditation under the New York City Department of Environmental Protection, Bureau of Air Resources training program were no longer eligible to do school asbestos work unless they had taken an EPA-approved course or a State course under a State plan at least as stringent as the EPA Model Plan.

#### IV. List of EPA-Approved State Accreditation Programs and Training Courses

The ninth cumulative listing of EPA-approved State accreditation programs and training courses is listed in this Unit. As discussed above, quarterly notifications of EPA approval of State accreditation programs and EPA approval of training courses will be published in subsequent Federal Register notices. The closing date for the acceptance of submissions to EPA for inclusion in this ninth notice was October 31, 1989. Omission from this list does not imply disapproval by EPA, nor does the order of the courses reflect priority or quality. The format of the notification lists first the State accreditation programs approved by EPA, followed by EPA-approved training courses listed by Region. The name, address, phone number, and contact person is provided for each training provider followed by the courses and type of course approval

(i.e., full, contingent, or for interim purposes).

As of October 31, 1989, a total of 532 training providers are offering 977 EPA-approved training courses for accreditation under TSCA Title II. There are 429 asbestos abatement worker courses, 330 contractor/supervisor courses, 176 inspector/management planner courses, 15 inspector only courses, and 27 project designer courses. In addition, EPA has approved 551 refresher courses. Eighteen States have EPA-approved State accreditation programs in one or more discipline.

The EPA-funded model course for inspectors and management planners is available. In addition, a previous EPA-developed course for asbestos abatement contractors and supervisors has been revised and is available in final form for interested parties who plan to offer training courses. EPA anticipates that its model worker course will be available in Spring 1990. A fee for each course will be charged to cover the reproduction and shipping costs for the written and visual aid materials. Interested parties should contact the following firm to receive copies of the training courses: ATLAS Federal Services, Inc., EPA AHERA Program, 6011 Executive Blvd., Rockville, MD 20852, Phone number: (301) 468-1916.

The following is the cumulative list of EPA-approved State accreditation programs and training courses:

#### Approved State Accreditation Programs

##### (1)(a) State: Arkansas.

State Agency: Arkansas Dept. of Pollution Control and Ecology.  
Address: 8001 National Dr., P.O. Box 9583, Little Rock, AR 72209, Contact: Wilson Tolefree, Phone: (501) 562-7444.

##### (b) Approved Accreditation Program Disciplines:

Abatement Worker (interim from 11/22/85).  
Abatement Worker (full from 1/22/88).  
Contractor/Supervisor (interim from 11/22/85).  
Contractor/Supervisor (full from 1/22/88).

#### Arkansas Department of Pollution Control and Ecology, EPA-Approved Courses for Abatement Workers and Contractors/Supervisors

##### (i)(a) Training Provider: Arkansas Laborers Training Fund.

Address: 4501 West 61st St., Little Rock, AR 72209, Contact: W. Rudy Osborne, Phone: (501) 562-5502.

##### (b) Approved Course:

Abatement Worker (Certified 5/2/88).



(ii)(a) *Training Provider:* Asbestos Training & Employment, Inc.

Address: 809 East 11th St., Michigan City, IN 46360, Contact: Bruce H. Connell, Phone: (219) 874-7348.

(b) *Approved Courses:*

Abatement Worker (Certified 5/18/88).  
Contractor/Supervisor (Certified 5/18/88).

(iii)(a) *Training Provider:* Critical Environmental Training, Inc.

Address: 5815 Gulf Freeway, Houston, TX 77023, Contact: Charles M. Flanders, Phone: (713) 921-8921.

(b) *Approved Courses:*

Abatement Worker (Certified 9/12/88).  
Contractor/Supervisor (Certified 9/12/88).

(iv)(a) *Training Provider:* Environmental Institute.

Address: 350 Franklin Rd., Suite 300, Marietta, GA 30067, Contact: Eva Clay, Phone: (404) 425-2000.

(b) *Approved Course:*

Contractor/Supervisor (Certified 10/7/88).

(v)(a) *Training Provider:* Environmental Technologies.

Address: P.O. Box 21243, Little Rock, AR 72221, Contact: Phyllis Moore, Phone: (501) 569-3518.

(b) *Approved Courses:*

Abatement Worker (Certified 3/16/88).  
Contractor/Supervisor (Certified 3/16/88).

(vi)(a) *Training Provider:* Hall-Kimbrell Environmental Services.

Address: P.O. Box 307, Lawrence, KS 66044, Contact: Patrick Shrepf, Phone: (913) 749-2381.

(b) *Approved Courses:*

Abatement Worker (Certified 6/8/88).  
Contractor/Supervisor (Certified 6/8/88).

(vii)(a) *Training Provider:*

Professional Asbestos Training Service.  
Address: P.O. Box 45233, Little Rock, AR 72214, Contact: Harold Lewis, Phone: (501) 562-1519.

(b) *Approved Courses:*

Abatement Worker (Certified 4/18/88).  
Contractor/Supervisor (Certified 4/18/88).

(viii)(a) *Training Provider:* University of Arkansas.

Address: 521 South Razorback Rd., Fayetteville, AR 72701, Contact: Greg Weeks, Phone: (501) 575-6175.

(b) *Approved Course:*

Abatement Worker (Certified 10/7/88).

(2)(a) *State:* Colorado.

State Agency: Colorado Dept. of Health,  
Address: 4210 East 11th Ave., Denver,

CO 80220, Contact: David R. Ouimette,  
Phone: (303) 320-8333.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 7/8/89).  
Contractor/Supervisor (full from 7/8/89).

Inspector/Management Planner (full from 7/8/89).

Project Designer (full from 7/8/89).

(3)(a) *State:* Delaware.

State Agency: Delaware Dept. of Administrative Services, Address: O'Neill Building, P.O. Box 1401, Dover, DE 19903, Contact: Robert Foster, Phone: (302) 736-5644.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 8/14/89).  
Contractor/Supervisor (full from 8/14/89).

*Delaware Department of Administrative Services, EPA-Approved Courses for Abatement Workers and Contractors/Supervisors*

(i)(a) *Training Provider:* Delaware Technical & Community College Terry Campus.

Address: 1832 North Dupont Pkwy., Dover, DE 19901, Contact: David T. Stanley, Phone: (302) 736-5428.

(b) *Approved Courses:*

Abatement Worker (Certified 4/1/88).  
Contractor/Supervisor (Certified 4/1/88).

(4)(a) *State:* Indiana.

State Agency: Indiana Department of Management, Address: 105 South Meridian St., P.O. Box 6015, Indianapolis, IN 46206-6015, Contact: Kathy Prosser, Phone: (317) 232-8162.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 11/10/89).  
Contractor/Supervisor (full from 11/10/89).

Inspector (full from 11/10/89).

Inspector/Management Planner (full from 11/10/89).

Project Designer (full from 11/10/89).

(5)(a) *State:* Iowa.

State Agency: Iowa Dept. of Education School Facilities Administration & Accreditation, Address: Grimes State Office Bldg., Des Moines, IA 50319-0146, Contact: C. Milton Wilson, Phone: (515) 281-4743.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 11/30/87).  
Contractor/Supervisor (full from 11/30/87).

Inspector (full from 11/30/87).

Inspector/Management Planner (full from 11/30/87).

Project Designer (full from 11/30/87).

*Iowa Department of Education Administrative Finance School Plant Facilities, EPA-Approved Courses for Abatement Workers, Contractors/Supervisors, Inspectors/Management Planners, and Project Designers*

(i)(a) *Training Provider:* Iowa Environmental Services, Inc.

Address: 820 First St., Suite 200, West Des Moines, IA 50365, Contact: Glenn Sawyer, Phone: (515) 279-8042.

(b) *Approved Course:*

Abatement Worker (Certified 3/27/89).

(6)(a) *State:* Kansas.

State Agency: Kansas Dept. of Health and Environment Asbestos Control Section, Address: Forbes Field Building 740, Topeka, KS 66620-7430, Contact: Howard F. Saiger, Phone: (913) 296-1544.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (interim from 11/6/86).\*

Abatement Worker (full from 12/16/87).\*

Contractor/Supervisor (interim from 11/6/86).

Contractor/Supervisor (full from 12/16/87).

(7)(a) *State:* Massachusetts.

State Agency: Massachusetts Dept. of Labor & Industries; Division of Occupational Hygiene, Address: 1001 Watertown St., West Newton, MA 02165, Contact: Patricia Circone, Phone: (617) 727-3983.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 10/30/87).  
Contractor/Supervisor (full from 10/30/87).

Inspector (full from 10/30/87).

Inspector/Management Planner (full from 10/30/87).

Project Designer (full from 10/30/87).

*Massachusetts Department of Health, EPA-Approved Courses for Abatement Workers, Contractors/Supervisors, Inspectors/Management Planners, and Project Designers*

(i)(a) *Training Provider:* A & S Training School, Inc.

Address: 99 South Cameron St., Harrisburg, PA 17101, Contact: William I. Roberts, Phone: (717) 257-1360.

(b) *Approved Courses:*

\* Applies only to workers who have taken the Kansas Contractor/Supervisor course and passed the State's worker exam.



Contractor/Supervisor (Certified 5/4/88).

Contractor/Supervisor Annual Review (Certified 5/4/89).

(ii)(a) *Training Provider*: Abatement Technical Corporation c/o Ecosystems, Inc.

Address: 5 North Meadow Rd., Medfield, MA 02052, Contact: Joseph C. Mohn, Phone: (609) 692-0883.

(b) *Approved Courses*:

Abatement Worker (Certified 4/28/88).

Contractor/Supervisor (Certified 4/28/88).

Inspector/Management Planner (Certified 4/28/88).

Project Designer (Certified 4/28/88).

(iii)(a) *Training Provider*: Asbestos Workers Union Local No. 6.

Address: 1725 Revere Beach Pkwy., Everett, MA 02149, Contact: James P. McCourt, Phone: (617) 387-2679.

(b) *Approved Courses*:

Abatement Worker (Certified 4/25/88).

Abatement Worker Annual Review (Certified 4/25/89).

Contractor/Supervisor (Certified 4/25/88).

Contractor/Supervisor Annual Review (Certified 4/25/89).

(iv)(a) *Training Provider*: Astoria Industries, Inc.

Address: 538 Stewart Ave., Brooklyn, NY 11222, Contact: Gary Dipaolo, Phone: (718) 387-0011.

(b) *Approved Course*:

Abatement Worker (Certified 4/8/88).

(v)(a) *Training Provider*: Astral Environmental Assoc.

Address: 3 Adams Lane, Westford, MA 01886, Contact: Dorothy Young, Phone: (508) 692-2070.

(b) *Approved Course*:

Abatement Worker (Certified 8/5/89).

(vi)(a) *Training Provider*: BCM Engineering.

Address: 12 Alfred St., Suite 300, Woburn, MA 01801, Contact: Pam Evans, Phone: (617) 935-7080.

(b) *Approved Courses*:

Abatement Worker (Certified 4/28/88).

Inspector/Management Planner (Certified 4/28/88).

Project Designer (Certified 4/28/88).

(vii)(a) *Training Provider*: Briggs Associates, Inc.

Address: 400 Hingham St., P.O. Box 369, Rockland, MA 02370, Contact: Paul Skorohod, Phone: (617) 871-6040.

(b) *Approved Course*:

Project Designer (Certified 11/10/88).

(viii)(a) *Training Provider*: Certified Engineering & Testing Co., Inc.

Address: 100 Grossman Dr., Braintree, MA 02184, Contact: Robert Thornburgh, Phone: (617) 849-0111.

(b) *Approved Courses*:

Abatement Worker (Certified 9/26/88).

Abatement Worker Annual Review (Certified 9/26/88).

Contractor/Supervisor (Certified 9/26/88).

Contractor/Supervisor Annual Review (Certified 9/26/88).

Inspector/Management Planner (Certified 9/26/88).

Inspector/Management Annual Review (Certified 9/26/88).

Project Designer (Certified 9/26/88).

(ix)(a) *Training Provider*: Con-Test, Inc.

Address: P.O. Box 591, East Longmeadow, MA 01028, Contact: Brenda Bolduc, Phone: (413) 525-1198.

(b) *Approved Courses*:

Abatement Worker (Certified 2/25/88).

Abatement Worker Annual Review (Certified 2/25/89).

Contractor/Supervisor (Certified 2/25/88).

Contractor/Supervisor Annual Review (Certified 2/25/89).

Inspector/Management Planner (Certified 2/25/88).

Inspector/Management Annual Review (Certified 2/25/89).

Project Designer (Certified 2/25/88).

(x)(a) *Training Provider*: Dennison Environmental, Inc.

Address: 35 Industrial Hwy., Woburn, MA 01880, Contact: Joan Ryan, Phone: (617) 932-9400.

(b) *Approved Courses*:

Abatement Worker (Certified 4/8/88).

Abatement Worker Annual Review (Certified 4/8/89).

Contractor/Supervisor (Certified 4/8/88).

Contractor/Supervisor Annual Review (Certified 4/8/89).

Inspector (Certified 4/8/88).

Inspector/Management Annual Review (Certified 4/8/89).

Project Designer (Certified 4/8/88).

(xi)(a) *Training Provider*:

Environmental Training Corp.

Address: 100 Moody St., Suite 200, Ludlow, MA 01056, Contact: Ann Foltz, Phone: (413) 589-1882.

(b) *Approved Courses*:

Abatement Worker (Certified 8/5/88).

Abatement Worker Annual Review (Certified 8/5/89).

Contractor/Supervisor (Certified 8/5/88).

Contractor/Supervisor Annual Review (Certified 8/5/89).

Project Designer (Certified 8/5/88).

(xii)(a) *Training Provider*: Environmental Training Services.

Address: 115 New Boston St., Woburn, MA 01801, Contact: Kenneth P. Martin, Jr., Phone: (617) 938-6062.

(b) *Approved Courses*:

Abatement Worker (Certified 4/8/88).

Abatement Worker Annual Review (Certified 4/8/89).

Contractor/Supervisor (Certified 4/8/88).

Contractor/Supervisor Annual Review (Certified 4/8/89).

Project Designer (Certified 4/8/88).

Project Designer Annual Review (Certified 4/8/89).

(xiii)(a) *Training Provider*: General Physics Corp.

Address: 6700 Alexander Bell Dr., Columbia, MD 21046, Contact: Andy Marsh, Phone: (301) 290-2300.

(b) *Approved Courses*:

Abatement Worker Annual Review (Certified 9/6/88).

Contractor/Supervisor (Certified 9/6/88).

Contractor/Supervisor Annual Review (Certified 9/6/88).

Project Designer (Certified 9/6/88).

(xiv)(a) *Training Provider*: Hall-Kimbrell Environmental Services.

Address: P.O. Box 307, Lawrence, KS 66046, Contact: Alice Hart, Phone: (800) 346-2860.

(b) *Approved Courses*:

Abatement Worker (Certified 4/25/88).

Abatement Worker Annual Review (Certified 4/25/88).

Contractor/Supervisor (Certified 4/25/88).

Contractor/Supervisor Annual Review (Certified 4/25/88).

Inspector/Management Planner (Certified 4/25/88).

Inspector/Management Annual Review (Certified 4/25/88).

Project Designer (Certified 4/25/88).

Project Designer Annual Review (Certified 4/25/88).

(xv)(a) *Training Provider*: Harvard School of Public Health.

Address: 677 Huntington Ave., Boston, MA 02115, Contact: William A. Burgass, Phone: (617) 732-1171.

(b) *Approved Courses*:

Contractor/Supervisor (Certified 2/25/88).

Inspector/Management Planner (Certified 2/25/88).

Inspector/Management Annual Review (Certified 5/25/89).

Project Designer (Certified 2/25/88).

Project Designer Annual Review (Certified 5/25/89).

(xvi)(a) *Training Provider*: Hygeia, Inc.



Address: 303 Bear Hill Rd., Waltham, MA 02154, Contact: Cynthia Whalen, Phone: (617) 890-4999.

(b) *Approved Courses:*

Abatement Worker (Certified 8/5/88).

Contractor/Supervisor (Certified 8/5/88).

Project Designer (Certified 8/5/88).

(xvii)(a) *Training Provider:* Hygienetics, Inc.

Address: 150 Causeway St., Boston, MA 02114, Contact: Marybeth Carver, Phone: (617) 723-4664.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 2/25/89).

Contractor/Supervisor (Certified 2/25/89).

Contractor/Supervisor Annual Review (Certified 2/25/89).

Inspector/Management Planner (Certified 2/25/89).

Inspector/Management Annual Review (Certified 2/25/89).

Project Designer (Certified 2/25/89).

(xviii)(a) *Training Provider:* Institute for Environmental Education.

Address: 208 West Cummings Pk., Woburn, MA 01801, Contact: Lisa Stammer, Phone: (617) 935-0664.

(b) *Approved Courses:*

Abatement Worker (Certified 4/28/88).

Abatement Worker Annual Review (Certified 5/26/89).

Contractor/Supervisor (Certified 4/28/88).

Contractor/Supervisor Annual Review (Certified 5/26/89).

Inspector/Management Planner (Certified 4/28/88).

Inspector/Management Annual Review (Certified 5/26/89).

Project Designer (Certified 4/28/88).

(xix)(a) *Training Provider:* JF Walton & Co.

Address: 201 Marginal St., P.O. Box 6120, Chelsea, MA 02150, Contact: Richard King, Phone: (617) 884-0350.

(b) *Approved Courses:*

Abatement Worker (Certified 3/28/88).

Abatement Worker Annual Review (Certified 3/28/89).

(xx)(a) *Training Provider:* Kaselaan & D'Angelo Associates.

Address: 500 Victory Rd., Suite 270, North Quincy, MA 02171, Contact: David Kaplan, Phone: (617) 472-1330.

(b) *Approved Courses:*

Abatement Worker (Certified 2/25/88).

Abatement Worker Annual Review (Certified 2/25/89).

Contractor/Supervisor (Certified 2/25/88).

Contractor/Supervisor Annual Review (Certified 2/25/89).

Inspector/Management Planner

(Certified 2/25/88).

Inspector/Management Annual Review (Certified 2/25/89).

Project Designer (Certified 2/25/88).

(xxi)(a) *Training Provider:* Mystic Air Quality Consultants.

Address: 1085 Buddington Rd., Groton, CT 06340, Contact: Christopher Eident, Phone: (203) 449-8903.

(b) *Approved Courses:*

Abatement Worker (Certified 1/11/89).

Contractor/Supervisor (Certified 1/11/89).

Contractor/Supervisor Annual Review (Certified 1/11/89).

Project Designer (Certified 1/11/89).

(xxii)(a) *Training Provider:* National Asbestos Training Center of Kansas.

Address: 6600 College Blvd., Overland Park, KS 66211, Contact: Lani Himegarner, Phone: (913) 491-0181.

(b) *Approved Courses:*

Abatement Worker (Certified 5/20/88).

Abatement Worker Annual Review (Certified 5/20/89).

Contractor/Supervisor (Certified 5/20/88).

Contractor/Supervisor Annual Review (Certified 5/20/89).

(xxiii)(a) *Training Provider:* National Training Fund/Workers Institute for Safety & Health (WISH).

Address: 1126 16th St., NW, Washington, DC 20036, Contact: Scott Schneider, Phone: (202) 887-1980.

(b) *Approved Courses:*

Abatement Worker (Certified 5/10/88).

Contractor/Supervisor (Certified 5/10/88).

Contractor/Supervisor Annual Review (Certified 5/10/89).

(xxiv)(a) *Training Provider:* New England Laborers Training Trust Fund.

Address: 37 East St., Hopkinton, MA 01748-2699, Contact: James Merloni, Jr., Phone: (617) 435-6316.

(b) *Approved Courses:*

Abatement Worker (Certified 2/25/88).

Abatement Worker Annual Review (Certified 2/25/89).

Contractor/Supervisor (Certified 2/25/89).

Contractor/Supervisor Annual Review (Certified 8/8/89).

(xxv)(a) *Training Provider:* Northern Asbestos Abatement Co.

Address: 757 A Turnpike St., North Andover, MA 01845, Contact: J. William Vitta, Phone: (508) 681-8711.

(b) *Approved Courses:*

Abatement Worker (Certified 3/18/89).

Abatement Worker Annual Review (Certified 3/18/89).

Contractor/Supervisor (Certified 3/18/89).

Contractor/Supervisor Annual Review (Certified 3/18/89).

Project Designer (Certified 3/18/89).

Project Designer Annual Review (Certified 3/18/89).

(xxvi)(a) *Training Provider:* O'Brien & Gere Engineers, Inc.

Address: 1304 Buckley Rd., Syracuse, NY 13221, Contact: Edwin Tift, Phone: (315) 451-4700.

(b) *Approved Courses:*

Inspector/Management Planner (Certified 11/7/88).

Project Designer (Certified 11/7/88).

(xxvii)(a) *Training Provider:* Quality Control Services, Inc.

Address: 10 Lowell Junction Rd., Andover, MA 01810, Contact: Ajay Pathak, Phone: (508) 475-0623.

(b) *Approved Courses:*

Abatement Worker (Certified 5/6/88).

Abatement Worker Annual Review (Certified 5/16/89).

Contractor/Supervisor (Certified 5/6/88).

Contractor/Supervisor Annual Review (Certified 5/16/89).

(xxviii)(a) *Training Provider:* Safety Council of Western Massachusetts.

Address: 90 Berkshire Ave., Springfield, MA 01109, Contact: Tate Berkan, Phone: (413) 737-7908.

(b) *Approved Courses:*

Abatement Worker (Certified 6/21/88).

Abatement Worker Annual Review (Certified 6/21/89).

Project Designer (Certified 6/21/88).

Project Designer Annual Review (Certified 6/21/89).

(xxix)(a) *Training Provider:* The Environmental Institute.

Address: 350 Franklin Rd., Suite 300, Marietta, GA 30067, Contact: Bill Ewing, Phone: (404) 425-2000.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 10/28/88).

Contractor/Supervisor Annual Review (Certified 10/28/88).

Inspector/Management Planner (Certified 10/28/88).

Project Designer (Certified 10/28/88).

(xxx)(a) *Training Provider:* Tufts University Asbestos Information Center.

Address: 474 Boston Ave., Medford, MA 02155, Contact: Brenda Cole, Phone: (617) 381-3531.

(b) *Approved Courses:*

Abatement Worker (Certified 3/16/88).

Abatement Worker Annual Review (Certified 3/16/89).

Contractor/Supervisor (Certified 3/16/88).



Contractor/Supervisor Annual Review  
(Certified 3/16/89).

Inspector/Management Planner  
(Certified 3/16/88).

Inspector/Management Annual Review  
(Certified 3/16/89).

Project Designer (Certified 3/16/88).

Project Designer Annual Review  
(Certified 3/16/89).

(xxx)(a) *Training Provider:* Universal  
Engineering Corp.

Address: 100 Boylston St., Boston, MA  
02116, Contact: Janet Hester, Phone:  
(617) 542-8216.

(b) *Approved Courses:*

Project Designer (Certified 8/5/88).

Project Designer Annual Review  
(Certified 8/5/89).

(xxxii)(a) *Training Provider:*  
University of Massachusetts, Division of  
Environmental Health & Safety.

Address: N414 Morrill Science Center,  
Amherst, MA 01003, Contact: Donald  
Robinson, Phone: (413) 545-2682.

(b) *Approved Courses:*

Project Designer (Certified 10/3/88).

Project Designer Annual Review  
(Certified 10/3/88).

(xxxiii)(a) *Training Provider:* Weston-  
Atc, Inc.

Address: 1635 Pumphrey Ave., Auburn,  
AL 36830, Contact: Ron Thompson,  
Phone: (205) 826-6100.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 5/25/  
89).

Contractor/Supervisor Annual Review  
(Certified 5/25/89).

Inspector/Management Planner  
(Certified 5/25/89).

Inspector/Management Annual Review  
(Certified 5/25/89).

Project Designer (Certified 5/25/89).

Project Designer Annual Review  
(Certified 5/25/89).

(8)(a) *State:* Michigan.

State Agency: State of Michigan Dept. of  
Public Health, Address: 3500 North  
Logan, P.O. Box 30035, Lansing, MI  
48909, Contact: Bill DeLiefde, Phone:  
(517) 335-8186.

(b) *Approved Accreditation Program  
Disciplines:*

Abatement Worker (full from 4/13/89).  
Contractor/Supervisor (full from 4/13/  
89).

Inspector (full from 4/13/89).

Inspector/Management Planner (full  
from 4/13/89).

Project Designer (full from 4/13/89).

*Michigan Department of Public Health,  
EPA-Approved Courses for Abatement  
Workers, Contractors/Supervisors,  
Inspectors/Management Planners, and  
Project Designers*

(i)(a) *Training Provider:* BDN  
INDUSTRIAL Hygiene Consult.

Address: 8105 Valleywood Ln., Portage,  
MI 49002, Contact: Brent Bassett,  
Phone: (616) 329-1237.

(b) *Approved Courses:*

Abatement Worker (Certified 11/9/89).

Abatement Worker Annual Review  
(Certified 11/9/89).

Contractor/Supervisor (Certified 11/9/  
89).

Contractor/Supervisor Annual Review  
(Certified 11/9/89).

(ii)(a) *Training Provider:* Barton  
Associates.

Address: 1265 Westport Rd., Ann Arbor,  
MI 48103, Contact: Sara Bassett,  
Phone: (313) 665-3681.

(b) *Approved Course:*

Contractor/Supervisor (Certified 9/15/  
89).

(iii)(a) *Training Provider:* EMU  
Corporate Services.

Address: 3075 Washtenaw Ave.,  
Ypsilanti, MI 48197, Contact: Bertrand  
Ramsay, Phone: (313) 487-2259.

(b) *Approved Course:*

Abatement Worker Annual Review  
(Certified 11/1/89).

(iv)(a) *Training Provider:* ENTELA  
Engineering Service.

Address: 4020 W. River Dr., Comstock  
Park, MI 49321, Contact: Bruce H.  
Cornell, Phone: (616) 784-7774.

(b) *Approved Courses:*

Abatement Worker (Certified 9/26/89).

Contractor/Supervisor (Certified 9/26/  
89).

(v)(a) *Training Provider:* Fibertec Inc.

Address: 700 Abbott Rd., East Lansing,  
MI 48823, Contact: Matthew H. Frisch,  
Phone: (517) 351-0345.

(b) *Approved Course:*

Contractor/Supervisor (Certified 10/4/  
89).

(vi)(a) *Training Provider:* Jensen  
Environmental & Training.

Address: 651 Fisher Rd., Grosse Pointe,  
MI 48230, Contact: Leonard L. Jensen,  
Phone: (313) 882-2021.

(b) *Approved Courses:*

Abatement Worker Annual Review  
(Certified 8/10/89).

Contractor/Supervisor Annual Review  
(Certified 8/10/89).

(vii)(a) *Training Provider:* Michigan  
Laborers' Training.

Address: 11155 S. Beardslee Rd., Perry,  
MI 48872, Contact: Edwin H.  
McDonald, Phone: (517) 625-4919.

(b) *Approved Courses:*

Abatement Worker (Certified 9/12/89).

Abatement Worker Annual Review  
(Certified 9/12/89).

Contractor/Supervisor (Certified 9/12/  
89).

Contractor/Supervisor Annual Review  
(Certified 9/12/89).

(viii)(a) *Training Provider:* Testing  
Engineers & Consultant.

Address: 1333 Rochester Rd., Troy, MI  
48099, Contact: Karen Brunch, Phone:  
(313) 588-6200.

(b) *Approved Courses:*

Inspector/Management Planner  
(Certified 11/13/89).

Inspector/Management Annual Review  
(Certified 11/13/89).

(9)(a) *State:* Minnesota.

State Agency: Minnesota Dept. of  
Health Section of Occupational  
Health, Address: 717 Southeast  
Delaware St., Minneapolis, MN 55440-  
9441, Contact: William A. Fetzner,  
Phone: (612) 623-5380.

(b) *Approved Accreditation Program  
Disciplines:*

Abatement Worker (full from 10/3/88).

Contractor/Supervisor (full from 10/3/  
88).

(10)(a) *State:* New Jersey.

State Agency: State of New Jersey Dept.  
of Health, Address: CN 360, Trenton,  
NJ 08625-0360, Contact: James A.  
Brownlee, Phone: (609) 984-2193.

(b) *Approved Accreditation Program  
Disciplines:*

Abatement Worker (full from 6/18/85).

Contractor/Supervisor (full from 6/18/  
85).

*New Jersey Department of Health, EPA-  
Approved Courses for Abatement  
Workers and Contractors/Supervisors*

\*NOTE.--New Jersey approved course  
providers who present the training in another  
State must develop their own examination.  
They must also submit a detailed statement  
about the development of the course  
examination, as required by the Model Plan,  
to the Regional Asbestos Coordinator in their  
Region for EPA approval.

(i)(a) *Training Provider:* A & S  
Training School, Inc.

Address: 99 South Cameron St.,  
Harrisburg, PA 17101, Contact:  
Williams Roberts, Phone: (800) 526-  
0890.

(b) *Approved Courses:*

Abatement Worker (Certified 5/20/85).

Contractor/Supervisor (Certified 5/20/  
85).

(ii)(a) *Training Provider:* Alternative  
Ways.



Address: Barclay Pavilion, Suite 222 E, Rte. 70 E, Cherry Hill, NJ 08034, Contact: James Mitchell, Phone: (609) 795-1991.

(b) *Approved Courses:*

Abatement Worker (Certified 4/25/85). Contractor/Supervisor (Certified 4/25/85).

(iii)(a) *Training Provider:* Asbestos Abatement Council, AWCI.

Address: 1600 Cameron St., Alexandria, VA 22314-2705, Contact: Carol Pacquin, Phone: (703) 684-2924.

(b) *Approved Courses:*

Abatement Worker (Certified 6/17/87 to 9/28/89 only).

Contractor/Supervisor (Certified 6/17/87 to 9/28/89 only).

(iv)(a) *Training Provider:* Asbestos Training Academy - NJ.

Address: 218 Cooper Center, Pennsauken, NJ 08109, Contact: Jean Bodman or Ron Rominski, Phone: (609) 488-9200.

(b) *Approved Courses:*

Abatement Worker (Certified 5/1/85). Contractor/Supervisor (Certified 5/1/85).

(v)(a) *Training Provider:* Asbestos Training Academy - NY.

Address: 315 West 36th St., 9th Fl., New York, NY 10018, Contact: R. Green or C. Hicks, Phone: (212) 971-0370.

(b) *Approved Courses:*

Abatement Worker (Certified 9/20/88). Contractor/Supervisor (Certified 9/20/88).

(vi)(a) *Training Provider:* Asbestos Training Institute- LVI, Inc.

Address: 64 South State St., South Hackensack, NJ 07606, Contact: Roger Bason, Phone: (201) 343-5133.

(b) *Approved Courses:*

Abatement Worker (Certified 3/4/87). Contractor/Supervisor (Certified 3/4/87).

(vii)(a) *Training Provider:* BCM Eastern, Inc.

Address: One Plymouth Meeting Mall, Plymouth Meeting, PA 19462, Contact: R. Ferguson or C. Sterchak, Phone: (215) 825-3800.

(b) *Approved Courses:*

Abatement Worker (Certified 6/7/87). Contractor/Supervisor (Certified 6/7/87).

(viii)(a) *Training Provider:* Building Laborers of N.J. - Training Center.

Address: P.O. Box 163, Jamesburg, NJ 08831, Contact: Emmanuel Riggi, Phone: (201) 521-0200.

(b) *Approved Courses:*

Abatement Worker (Certified 7/19/85).

Contractor/Supervisor (Certified 7/19/85).

(ix)(a) *Training Provider:* Certified Abatement Technologies, Inc.

Address: 47 Midland Ave., Elmwood Park, NJ 07407, Contact: Daniel Curtin, Phone: (201) 796-9589.

(b) *Approved Courses:*

Abatement Worker (Certified 6/3/87). Contractor/Supervisor (Certified 6/3/87).

(x)(a) *Training Provider:* Drexel University.

Address: 32nd & Chestnut Sts., Philadelphia, PA 19104, Contact: Robert Ross, Phone: (215) 895-2154.

(b) *Approved Courses:*

Abatement Worker (Certified 4/13/88). Contractor/Supervisor (Certified 4/13/88).

(xi)(a) *Training Provider:* E.I. DuPont DeNemours & Co.

Address: Chamber Works, Deepwater, NJ 08023, Contact: Charles Battle or Helen Giova, Phone: (609) 540-2434.

(b) *Approved Courses:*

Abatement Worker (Certified 5/1/86). Abatement Worker Annual Review (Certified 6/12/89).

Contractor/Supervisor (Certified 5/1/86).

Contractor/Supervisor Annual Review (Certified 6/12/89).

(xii)(a) *Training Provider:* IT Corporation.

Address: 17461 Derian Ave., Suite 190, Irvine, CA 92714, Contact: Keith Soesbe, Phone: (714) 261-6441.

(b) *Approved Courses:*

Abatement Worker (Certified 8/29/85). Contractor/Supervisor (Certified 8/29/85).

(xiii)(a) *Training Provider:* Kaselaan & D'Angelo Associates - NY.

Address: 220 5th Ave; 17th Floor, New York, NY 10001, Contact: L. Fredericks/M. Cox-Abdalla, Phone: (212) 216-6340.

(b) *Approved Courses:*

Abatement Worker (Certified 8/28/89). Contractor/Supervisor (Certified 8/28/89).

(xiv)(a) *Training Provider:* Kaselaan & D'Angelo Associates - NJ.

Address: 515 Grove St., Haddon Heights, NJ 08035, Contact: Steven L'Erario, Phone: (609) 547-6500.

(b) *Approved Courses:*

Abatement Worker (Certified 5/8/85). Contractor/Supervisor (Certified 5/8/85).

(xv)(a) *Training Provider:* Local Union No. 14.

Address: 6513 Bustleton Ave., Philadelphia, PA 19149, Contact:

James Aikens/Lewis Fitzgerald, Phone: (215) 533-0395.

(b) *Approved Courses:*

Abatement Worker (Certified 8/9/85). Contractor/Supervisor (Certified 8/9/85).

(xvi)(a) *Training Provider:* Local Union No. 32.

Address: 870 Broadway, Newark, NJ 07104, Contact: Paul Ielmini/John Dwyer, Phone: (201) 485-3626.

(b) *Approved Courses:*

Abatement Worker (Certified 5/8/87). Abatement Worker Annual Review (Certified 8/14/89).

Contractor/Supervisor (Certified 5/8/87).

Contractor/Supervisor Annual Review (Certified 8/14/89).

(xvii)(a) *Training Provider:* Local Union No. 42.

Address: 1188 River Rd., New Castle, DE 19720, Contact: Joseph Noble, Phone: (302) 328-4203.

(b) *Approved Courses:*

Abatement Worker (Certified 10/30/85). Contractor/Supervisor (Certified 10/30/85).

(xviii)(a) *Training Provider:* Local Union No. 89.

Address: 2733 Nottingham Way, Trenton, NJ 08619, Contact: Charles DaBronzo/John DaBronzo, Phone: (609) 587-0092.

(b) *Approved Courses:*

Abatement Worker (Certified 5/13/86). Contractor/Supervisor (Certified 5/13/86).

(xix)(a) *Training Provider:* Mid-Atlantic Asbestos Training Center UMDNJ.

Address: 675 Hoes Ln., Piscataway, NJ 08854, Contact: Lee Laustsen/Doris Daneluk, Phone: (201) 463-4500.

(b) *Approved Courses:*

Abatement Worker (Certified 7/1/86). Contractor/Supervisor (Certified 7/1/86).

(xx)(a) *Training Provider:* NDI Training Institute.

Address: 7112 Airport Highway, Pennsauken, NJ 08109, Contact: J. Rodney Walton/John O'Brien, Phone: (609) 663-5042.

(b) *Approved Courses:*

Abatement Worker (Certified 9/13/86). Contractor/Supervisor (Certified 9/13/86).

(xxi)(a) *Training Provider:* National Asbestos Council (NAC) Training Dept.

Address: 1777 Northeast Expressway, Suite 150, Atlanta, GA 30329, Contact:



T. Laubenthal or V. Cornwell, Phone: (404) 633-2622.

(b) *Approved Courses:*

Abatement Worker (Certified 1/13/87).  
Contractor/Supervisor (Certified 1/13/87).

(xxii)(a) *Training Provider:* National Asbestos Training Institute.

Address: 1776 Bloomsbury Ave., Ocean, NJ 07712, Contact: Doris Adler or Lisa Criscuolo, Phone: (201) 918-0610.

(b) *Approved Courses:*

Abatement Worker (Certified 5/3/85).

Abatement Worker Annual Review (Certified 8/14/89).

Contractor/Supervisor (Certified 5/3/85).

Contractor/Supervisor Annual Review (Certified 8/14/89).

(xxiii)(a) *Training Provider:* National Institute on Abatement Sciences and Technology.

Address: 114 West State St., P.O. Box 1780, Trenton, NJ 08607, Contact: Glenn Phillips, Phone: (800) 422-2836.

(b) *Approved Courses:*

Abatement Worker (Certified 1/16/88 to 6/22/89 only).

Contractor/Supervisor (Certified 1/16/88 to 6/22/89 only).

(xxiv)(a) *Training Provider:* National Training Fund/Workers Institute for Safety & Health (WISH).

Address: 1126 16th St., NW, Washington, DC 20036, Contact: Scott Schneider, Phone: (202) 887-1980.

(b) *Approved Courses:*

Abatement Worker (Certified 3/31/89).

Contractor/Supervisor (Certified 3/31/89).

(xxv)(a) *Training Provider:* Northeastern Analytical.

Address: 4 Stow Rd., Marlton, NJ 08053, Contact: R. Holwitt/M. Dutkiewicz, Phone: (609) 985-8000.

(b) *Approved Courses:*

Abatement Worker (Certified 5/20/85).

Abatement Worker Annual Review (Certified 6/30/89).

Contractor/Supervisor (Certified 5/20/85).

Contractor/Supervisor Annual Review (Certified 6/30/89).

(xxvi)(a) *Training Provider:* Princeton Testing Laboratory.

Address: 3490 U.S. Rte. 1, Princeton, NJ 08540-3108, Contact: Charles Schneekloth, Phone: (609) 452-9050.

(b) *Approved Courses:*

Abatement Worker (Certified 5/8/85).

Abatement Worker Annual Review (Certified 6/14/89).

Contractor/Supervisor (Certified 5/8/85).

Contractor/Supervisor Annual Review (Certified 6/14/89).

(xxvii)(a) *Training Provider:* Temple University.

Address: 12th & Norris St., Philadelphia, PA 19122, Contact: Melvin Benarde/Lester Levin, Phone: (215) 767-6394.

(b) *Approved Courses:*

Abatement Worker (Certified 11/24/87).

Contractor/Supervisor (Certified 11/24/87).

(xxviii)(a) *Training Provider:* White Lung Association - NJ.

Address: 901 Broad St., 2nd Floor, Newark, NJ 07102, Contact: A. Legoretta/C. Anderson, Phone: (201) 824-2623.

(b) *Approved Courses:*

Abatement Worker (Certified 5/21/85).

Contractor/Supervisor (Certified 5/21/85).

(xxix)(a) *Training Provider:* White Lung Association - NY.

Address: 12 Warren St., 4th Floor, New York, NY 10007, Contact: Nelson Helu/Barbara Zeluck, Phone: (212) 619-2270.

(b) *Approved Courses:*

Abatement Worker (Certified 9/21/88).

Contractor/Supervisor (Certified 9/23/88).

(11)(a) *State:* North Dakota.

State Agency: State Dept. of Health & Consolidated Laboratories, Address: 1200 Missouri Ave., Box 5520, Bismark, ND 58505, Contact: Ken Wangler, Phone: (701) 224-2348.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 4/21/89).

Contractor/Supervisor (full from 4/21/89).

Inspector (full from 4/21/89).

Inspector/Management Planner (full from 4/21/89).

Project Designer (full from 4/21/89).

*North Dakota State Department of Health and Consolidated Laboratories, EPA-Approved Courses for Abatement Workers, Contractors/Supervisors, Inspectors/Management Planners, and Project Designers*

(i)(a) *Training Provider:* Midwest Asbestos Consultants, Inc.

Address: Box 1708, Fargo, ND 58107, Contact: Jerry Day, Phone: (701) 280-2286.

(b) *Approved Course:*

Abatement Worker (Certified 6/30/89).

(ii)(a) *Training Provider:* Survey Management and Design.

Address: R.R. 2 Box 85-B, Fargo, ND 58102, Contact: Dave Sohm, Phone: (701) 234-9556.

(b) *Approved Courses:*

Abatement Worker (Certified 6/13/89).

Abatement Worker Annual Review (Certified 8/10/89).

Contractor/Supervisor (Certified 6/13/89).

Contractor/Supervisor Annual Review (Certified 8/10/89).

Inspector/Management Planner (Certified 9/14/89).

(iii)(a) *Training Provider:* University of North Dakota.

Address: University Station, Grand Forks, ND 58201, Contact: Dale Patrick, Phone: (701) 777-3341.

(b) *Approved Courses:*

Abatement Worker (Certified 6/13/89).

Contractor/Supervisor (Certified 6/13/89).

(12)(a) *State:* Oregon.

State Agency: State of Oregon Dept. of Environmental Quality, Address: 811 Southwest Sixth Ave., Portland, OR 97204, Contact: Bruce E. Arnold, Phone: (503) 229-5506.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 9/23/88).

Contractor/Supervisor (full from 9/23/88).

*Oregon Department of Environmental Quality, EPA-Approved Courses for Abatement Workers and Contractors/Supervisors*

(i)(a) *Training Provider:* Asbestos Training Project Workplace Resources.

Address: P.O. Box 11053, Eugene, OR 97440, Contact: Wendy Wiles, Phone: (503) 345-7393.

(b) *Approved Courses:*

Abatement Worker (Certified 9/23/88).

Contractor/Supervisor (Certified 9/23/89).

(ii)(a) *Training Provider:* Hall-Kimbrell Environmental Services.

Address: 5319 Southwest Westgate, Suite 239, Portland, OR 97221, Contact: Kelly Champion, Phone: (503) 292-9406.

(b) *Approved Courses:*

Abatement Worker (Certified 12/28/88).

Contractor/Supervisor (Certified 9/7/89).

(iii)(a) *Training Provider:* Hazcon, Inc.

Address: 9500 Southwest Barbur, Portland, OR 97219, Contact: Tom Natsch, Phone: (503) 244-8045.

(b) *Approved Courses:*

Abatement Worker (Certified 9/23/88).

Contractor/Supervisor (Certified 9/23/88).



(iv)(a) *Training Provider:* Laborers/AGC Apprenticeship & Training Program.

Address: Route 5, Box 325A, Corvallis, OR 97330, Contact: Bill Duke, Phone: (503) 745-5513.

(b) *Approved Courses:*

Abatement Worker (Certified 9/23/88).  
Contractor/Supervisor (Certified 9/23/88).

(v)(a) *Training Provider:* Marine & Environmental Testing, Inc.

Address: P.O. Box 1142, Beaverton, OR 97075, Contact: Martin Finkel, Phone: (503) 286-2950.

(b) *Approved Course:*

Abatement Worker (Certified 12/3/88 to 9/18/89 only).

(vi)(a) *Training Provider:* NAC Corporation.

Address: 1005 NW Galveston, Suite E, Bend, OR 97701, Contact: Dale Schmidt, Phone: (503) 389-9727.

(b) *Approved Course:*

Abatement Worker (Certified 3/23/89).

(vii)(a) *Training Provider:* Northwest Envirocon, Inc.

Address: P.O. Box 169, Washougal, WA 98671, Contact: Cindi Rice, Phone: (206) 835-8576.

(b) *Approved Courses:*

Abatement Worker (Certified 12/14/88).  
Contractor/Supervisor (Certified 12/14/88).

(13)(a) *State:* Rhode Island.

State Agency: State of Rhode Island & Providence Plantations, Department of Health, Address: 206 Cannon Bldg., Three Capitol Hill, Providence, RI 02908, Contact: William Dundulis, Jr., Phone: (401) 277-3601.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 2/4/86).  
Contractor/Supervisor (full from 2/4/86).

*Rhode Island Department of Health, EPA-Approved Courses for Abatement Workers and Contractors/Supervisors*

(i)(a) *Training Provider:* A & S Training School, Inc.

Address: 99 South Cameron St., Harrisburg, PA 17101, Contact: William I. Roberts, Phone: (717) 257-1360.

(b) *Approved Course:*

Contractor/Supervisor (Certified 3/31/89).

(ii)(a) *Training Provider:* Analytical Testing Services, Inc.

Address: 180 Weeden St., Pawtucket, RI 02860, Contact: Robert Weisberg, Phone: (401) 723-7978.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 12/10/86).

Contractor/Supervisor Annual Review (Certified 12/10/86).

Initial Supervisor 6 Hour Supplement (Certified 1/24/89).

(iii)(a) *Training Provider:* Center for Environmental Management-Tufts University.

Address: 474 Boston Ave., Medford, MA 02155, Contact: Brenda Cole, Phone: (617) 381-3531.

(b) *Approved Courses:*

Abatement Worker (Certified 7/1/86).

Abatement Worker Annual Review (Certified 3/31/89).

Contractor/Supervisor (Certified 7/1/86).

Contractor/Supervisor Annual Review (Certified 3/31/89).

(iv)(a) *Training Provider:* Certified Engineering & Testing Co., Inc.

Address: 100 Grossman Dr., Braintree, MA 02184, Contact: Robert Thornburgh, Phone: (617) 849-0111.

(b) *Approved Courses:*

Abatement Worker (Certified 8/22/89).

Abatement Worker Annual Review (Certified 8/22/89).

Contractor/Supervisor (Certified 8/22/89).

Contractor/Supervisor Annual Review (Certified 8/22/89).

(v)(a) *Training Provider:* Community College of Rhode Island.

Address: 1762 Louisquisset Pk., Lincoln, RI 02865, Contact: Richard Tessler, Phone: (401) 333-7166.

(b) *Approved Courses:*

Abatement Worker (Certified 11/13/87).

Abatement Worker Annual Review (Certified 3/31/89).

Contractor/Supervisor Annual Review (Certified 3/31/89).

(vi)(a) *Training Provider:* Con-Test Educational Center.

Address: 39 Spruce St., East Longmeadow, MA 01028, Contact: Brenda Bolduc, Phone: (413) 525-1198.

(b) *Approved Courses:*

Abatement Worker (Certified 3/1/86).

Abatement Worker Annual Review (Certified 2/8/89).

Contractor/Supervisor (Certified 3/1/86).

Contractor/Supervisor Annual Review (Certified 2/8/89).

(vii)(a) *Training Provider:* Dennison Environmental, Inc.

Address: 74 Commerce Way, Woburn, MA 01801, Contact: Joan Lion, Phone: (617) 932-9400.

(b) *Approved Courses:*

Abatement Worker (Certified 4/30/89).

Abatement Worker Annual Review (Certified 4/30/89).

Contractor/Supervisor (Certified 4/30/89).

Contractor/Supervisor Annual Review (Certified 4/30/89).

(viii)(a) *Training Provider:* Environmental Training Services.

Address: 115 New Boston St., Woburn, MA 01801, Contact: Kenneth P. Martin, Jr., Phone: (617) 938-6062.

(b) *Approved Courses:*

Abatement Worker (Certification Pending).

Abatement Worker Annual Review (Certification Pending).

Contractor/Supervisor (Certification Pending).

Contractor/Supervisor Annual Review (Certification Pending).

Initial Supervisor 6 Hour Supplement (Certification Pending).

(ix)(a) *Training Provider:* Georgia Institute of Technology/GTRI.

Address: 151 6th St., Atlanta, GA 30332, Contact: Mark Demyanek, Phone: (404) 894-3806.

(b) *Approved Courses:*

Abatement Worker (Certified 7/22/88).

Abatement Worker Annual Review (Certified 2/14/89).

Contractor/Supervisor (Certified 7/22/88).

Contractor/Supervisor Annual Review (Certified 2/14/89).

(x)(a) *Training Provider:* Harvard School of Public Health.

Address: 677 Huntington Ave., Boston, MA 02115, Contact: Louis DiBerardinis, Phone: (617) 732-1171.

(b) *Approved Courses:*

Abatement Worker (Certification Pending).

Contractor/Supervisor (Certification Pending).

(xi)(a) *Training Provider:* Heat & Frost Insulation Union Local No. 6.

Address: 56 Roland St., Boston, MA 02129, Contact: Anthony Pistorino, Phone: (617) 625-6666.

(b) *Approved Courses:*

Abatement Worker (Certified 3/2/89).

Contractor/Supervisor (Certified 3/2/89).

(xii)(a) *Training Provider:* Hygeia, Inc.

Address: 303 Bear Hill Rd., Waltham, MA 02154, Contact: Cynthia Whalen, Phone: (617) 890-4999.

(b) *Approved Course:*

Abatement Worker (Certified 1/31/89).

(xiii)(a) *Training Provider:* Hygienetics, Inc.



Address: 150 Causeway St., Boston, MA 02114, Contact: Russell Matthews, Phone: (617) 723-4664.

(b) *Approved Courses:*

\*Abatement Worker (Certified 5/10/89).  
Abatement Worker Annual Review (Certified 5/10/89).

Contractor/Supervisor (Certified 5/10/89).

Contractor/Supervisor Annual Review (Certified 5/10/89).

(xiv)(a) *Training Provider:* Institute for Environmental Education.

Address: 208 West Cummings Pk., Woburn, MA 01801, Contact: Lisa Stammer, Phone: (617) 935-7370.

(b) *Approved Courses:*

Abatement Worker (Certified 9/9/87).

Abatement Worker Annual Review (Certified 5/8/89).

Contractor/Supervisor (Certified 9/9/87).

Contractor/Supervisor Annual Review (Certified 5/8/89).

(xv)(a) *Training Provider:* Mystic Air Quality Consultants.

Address: 1085 Buddington Rd., Groton, CT 06340, Contact: Christopher Eident, Phone: (203) 449-8903.

(b) *Approved Course:*

Contractor/Supervisor (Certified 1/31/89).

(xvi)(a) *Training Provider:* NAACO.

Address: 790 Turnpike St., North Andover, MA 01845, Contact: Martin Levitt, Phone: (508) 681-8711.

(b) *Approved Courses:*

Abatement Worker (Certified 4/28/88).

Abatement Worker Annual Review (Certified 4/3/89).

Contractor/Supervisor Annual Review (Certified 4/3/89).

Initial Supervisor 6 Hour Supplement (Certified 4/3/89).

(xvii)(a) *Training Provider:* National Asbestos Council, (NAC) Training Dept.

Address: 1777 Northeast Expressway, Suite 150, Atlanta, GA 30329, Contact: Tom Laubenthal, Phone: (404) 633-2622.

(b) *Approved Course:*

Abatement Worker (Certified 9/5/86).

(xviii)(a) *Training Provider:* National Training Fund/Workers Institute for Safety & Health (WISH).

Address: 1126 16th St., NW, Washington, DC 20036, Contact: Mathew Gillen, Phone: (202) 887-1980.

(b) *Approved Courses:*

Abatement Worker (Certified 1/31/89).

Abatement Worker Annual Review (Certified 1/31/89).

Contractor/Supervisor (Certified 1/31/89).

Contractor/Supervisor Annual Review (Certified 1/31/89).

(xix)(a) *Training Provider:* New England Laborers Training Trust Fund.

Address: 37 East St., Hopkinton, MA 01748, Contact: James Merloni, Phone: (508) 435-6316.

(b) *Approved Courses:*

Abatement Worker (Certified 7/1/86).

Abatement Worker Annual Review (Certified 2/15/89).

Contractor/Supervisor Annual Review (Certified 2/15/89).

Initial Supervisor 6 Hour Supplement (Certified 2/15/86).

(xx)(a) *Training Provider:* Quality Control Services, Inc.

Address: 10 Lowell Junction Rd., Andover, MA 01810, Contact: Ajay Pathak, Phone: (508) 475-0623.

(b) *Approved Courses:*

Abatement Worker (Certified 4/27/88).

Abatement Worker Annual Review (Certified 3/10/89).

Contractor/Supervisor (Certified 4/27/88).

Contractor/Supervisor Annual Review (Certified 3/10/89).

(xxi)(a) *Training Provider:* Safe Environment Corp.

Address: 100 Moody St., Suite 200, Ludlow, MA 01056, Contact: Anne Folta, Phone: (413) 289-1409.

(b) *Approved Courses:*

Abatement Worker (Certified 1/31/89).

Abatement Worker Annual Review (Certification Pending).

Contractor/Supervisor (Certified 1/31/89).

Contractor/Supervisor Annual Review (Certification Pending).

(14)(a) *State:* South Dakota.

State Agency: Dept. of Water & Natural Resources Division of Air Quality & Solid Waste, Address: Joe Foss Building, 523 East Capitol St., Pierre, SD 57501, Contact: Tammy LeBeau, Phone: (605) 773-3153.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 9/15/88).

Contractor/Supervisor (full from 9/15/88).

Inspector/Management Planner (full from 9/15/88).

Project Designer (full from 9/15/88).

*South Dakota Department of Water and Natural Resources, EPA-Approved Courses for Abatement Workers, Contractors/Supervisors, Inspectors/Management Planners, and Project Designers*

(i)(a) *Training Provider:* Black Hills Special Services Cooperative.

Address: Box 218, Sturgis, SD 57784, Contact: Jim Doolittle, Phone: (605) 347-4467.

(b) *Approved Courses:*

Abatement Worker (Certified 3/22/89).

Contractor/Supervisor (Certified 3/22/89).

Inspector/Management Planner (Certified 3/22/89).

(ii)(a) *Training Provider:* Enviro-safe Inc.

Address: P.O. Box 328, Wakonda, SD 57073, Contact: John Mathrol, Phone: (605) 267-2539.

(b) *Approved Courses:*

Abatement Worker (Certified 2/28/89).

Contractor/Supervisor (Certified 2/28/89).

Inspector/Management Planner (Certified 2/28/89).

(iii)(a) *Training Provider:* Fargo - Moorhead Carpenters Joint Apprenticeship & Training Committee.

Address: 3002 1st Ave., N., Fargo, ND 58102, Contact: Raymond Such, Phone: (701) 235-4981.

(b) *Approved Courses:*

Abatement Worker (Certified 4/20/89).

Contractor/Supervisor (Certified 4/20/89).

(iv)(a) *Training Provider:* Iowa Laborers Training Fund.

Address: 5806 Meredith Ave., Suite C, Des Moines, IA 50322, Contact: Jack Jones, Phone: (515) 270-6965.

(b) *Approved Course:*

Abatement Worker (Certified 3/22/88).

(v)(a) *Training Provider:* South Dakota State University College of Engineering.

Address: P.O. Box 2218, Brookings, SD 57007-0597, Contact: James Ceglian, Phone: (605) 688-4107.

(b) *Approved Courses:*

Abatement Worker (Certified 5/18/88).

Contractor/Supervisor (Certified 5/18/88).

Inspector/Management Planner (Certified 5/18/88).

(15)(a) *State:* Utah.

State Agency: Utah Dept. of Health Bureau of Air Quality, Address: 288 North 1460 West, P.O. Box 16690, Salt Lake City, UT 84116-0690, Contact: F. Burnell Cordner, Phone: (801) 538-6108.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 7/8/89).

Contractor/Supervisor (full from 7/8/89).

Inspector/Management Planner (full from 7/8/89).



Project Designer (full from 7/8/89).

*Utah Bureau of Air Quality, EPA-Approved Courses for Abatement Workers, Contractors/Supervisors, Inspectors/Management Planners, and Project Designers*

(i)(a) *Training Provider:* R.S. Christiansen Asbestos Consultants, Inc. Address: 4980 Holladay Blvd., Salt Lake City, UT 84117, Contact: Stanley Christiansen, Phone: (801) 277-2323.

(b) *Approved Course:*

Abatement Worker Annual Review (Certified 7/28/89).

(16)(a) *State:* Virginia.

State Agency: Commonwealth of Virginia Dept. of Commerce, Address: 3600 West Broad St., Richmond, VA 23230-4917, Contact: Peggy J. Wood, Phone: (804) 367-8595.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 7/1/88). Contractor/Supervisor (full from 7/1/88).

Inspector/Management Planner (full from 7/1/88).

Project Designer (full from 7/1/88).

*Virginia Department of Commerce, EPA-Approved Courses for Abatement Workers, Contractors/Supervisors, Inspectors/Management Planners, and Project Designers*

(i)(a) *Training Provider:* Alice Hamilton Occupational Health Center. Address: 410 7th St., SE, 2nd Floor, Washington, DC 20003, Contact: Brian Christopher, Phone: (202) 543-0005.

(b) *Approved Courses:*

Abatement Worker (Certified 3/2/88). Contractor/Supervisor (Certified 3/2/88).

Inspector/Management Planner (Certified 3/2/88).

(ii)(a) *Training Provider:* Asbestos Analytical Association.

Address: 3208-B George Washington Hwy., Portsmouth, VA 23704, Contact: Carol Holden, Phone: (804) 397-8939.

(b) *Approved Courses:*

Abatement Worker (Certified 7/27/88). Contractor/Supervisor (Certified 7/27/88).

Inspector/Management Planner (Certified 7/27/88).

(iii)(a) *Training Provider:* Biospherics, Inc.

Address: 12051 Indian Creel Ct., Beltsville, MD 20705, Contact: Jean Fisher, Phone: (301) 369-3900.

(b) *Approved Courses:*

Abatement Worker (Certified 9/13/88). Contractor/Supervisor (Certified 9/13/88).

Inspector/Management Planner (Certified 9/13/88).

(iv)(a) *Training Provider:* Briggs Assoc. Inc.

Address: 8325 Guilford Rd., Suite E, Columbia, MD 21046, Contact: J. Roos Voorhees, Phone: (301) 381-4434.

(b) *Approved Course:*

Abatement Worker (Certification Pending).

(v)(a) *Training Provider:* Critical Environmental.

Address: 5815 Gulf Freeway, Houston, TX 77023, Contact: Dr. Ronald F. Dodson, Phone: (713) 921-8921.

(b) *Approved Courses:*

Abatement Worker (Certification Pending).

Contractor/Supervisor (Certification Pending).

Inspector/Management Planner (Certification Pending).

(vi)(a) *Training Provider:* E.I. DuPont DeNemours & Co., Inc.

Address: Spruance Plant, P.O. Box 27001, Richmond, VA 23261, Contact: Clarence Mihal, Phone: (804) 743-2948.

(b) *Approved Courses:*

Abatement Worker (Certified 5/11/88). Contractor/Supervisor (Certified 5/11/88).

(vii)(a) *Training Provider:* Environmental Specialties, Inc.

Address: P.O. Box 130, Hopewell, VA 23860, Contact: Lewis Stevenson, Phone: (804) 458-1541.

(b) *Approved Courses:*

Abatement Worker (Certified 5/1/89). Contractor/Supervisor (Certified 5/1/89).

(viii)(a) *Training Provider:* Fluor Daniel.

Address: The Daniel Bldg., 301 North Main St., Greenville, SC 29601, Contact: Rick Florence, Phone: (803) 298-2166.

(b) *Approved Courses:*

Abatement Worker (Certified 6/24/88). Contractor/Supervisor (Certified 6/24/88).

(ix)(a) *Training Provider:* GST Company.

Address: 1341 Old Freedom Rd., Suite 3B, Mars, PA 16046, Contact: Norma Stanford, Phone: (412) 772-7488.

(b) *Approved Courses:*

Abatement Worker (Certified 6/1/89). Contractor/Supervisor (Certified 6/1/89).

(x)(a) *Training Provider:* Georgia Tech Research Group.

Address: Georgia Tech Institute of Technology, Atlanta, GA 30332,

Contact: Vicki H. Ainslie, Phone: (404) 895-3306.

(b) *Approved Course:*

Contractor/Supervisor (Certified 5/1/89).

(xi)(a) *Training Provider:* Hall-Kimbrell Environmental Services.

Address: 4840 West 15th St., P.O. Box 307, Lawrence, KS 66046, Contact: Steve Davis, Phone: (804) 270-7235.

(b) *Approved Courses:*

Abatement Worker (Certified 5/23/88). Contractor/Supervisor (Certified 5/23/88).

Inspector (Certified 5/23/88).

(xii)(a) *Training Provider:* Hazard Abatement Consultants.

Address: 5 Breechwood Rd., Hampton, VA 23666, Contact: Thomas Priesman, Phone: (804) 825-0302.

(b) *Approved Course:*

Abatement Worker (Certified 6/1/89).

(xiii)(a) *Training Provider:* Ind-Tra-Co., Ltd.

Address: 18 South 22nd St., Richmond, VA 23223, Contact: Fred Breive, Phone: (804) 648-7836.

(b) *Approved Courses:*

Abatement Worker (Certified 3/7/88). Contractor/Supervisor (Certified 3/7/88).

Inspector/Management Planner (Certified 3/7/88).

(xiv)(a) *Training Provider:* Industrial Training & Support Services.

Address: P.O. Box 496, Lightfoot, VA 23090, Contact: Virginia Graham, Phone: (804) 565-3308.

(b) *Approved Course:*

Abatement Worker (Certified 10/22/88).

(xv)(a) *Training Provider:* Institute for Environmental Education.

Address: 208 West Cummings Pk., Woburn, MA 01801, Contact: Lisa Stammer, Phone: (617) 935-0664.

(b) *Approved Courses:*

Abatement Worker (Certification Pending).

Contractor/Supervisor (Certification Pending).

Inspector (Certification Pending).

(xvi)(a) *Training Provider:* Jenkins Professionals Inc.

Address: 5502 Campbell Blvd., Suite F, Baltimore, MD 21236, Contact: Larry Jenkins, Phone: (301) 529-3553.

(b) *Approved Course:*

Contractor/Supervisor (Certification Pending).

(xvii)(a) *Training Provider:* Laborers District Council of Virginia Training Trust Fund.



Address: 4191 Rochambeau Dr.,  
Williamsburg, VA 23185, Contact: Roy  
Brightwell, Phone: (804) 564-8148.

(b) *Approved Course:*

Abatement Worker (Certified 8/8/88).

(xviii)(a) *Training Provider:* Marcus  
Environmental.

Address: 6345 Courthouse Rd., P.O. Box  
227, Prince George, VA 23875, Contact:  
Marshall Marcus, Phone: (804) 733-  
1855.

(b) *Approved Courses:*

Abatement Worker (Certified 2/13/89).

Contractor/Supervisor (Certified 2/13/  
89).

(xix)(a) *Training Provider:* Maryland  
Center for Environmental Training-  
Charles County Community College.

Address: Mitchell Rd., P.O. Box 910,  
LaPlata, MD 20646-0910, Contact: Jake  
Bair, Phone: (301) 934-2251.

(b) *Approved Courses:*

Abatement Worker (Certified 5/19/89).

Contractor/Supervisor (Certified 5/19/  
89).

(xx)(a) *Training Provider:* Medical  
College of Virginia Dept. of Preventive  
Medicine.

Address: P.O. Box 212, Richmond, VA  
23298, Contact: Leonard Vance,  
Phone: (804) 786-9785.

(b) *Approved Courses:*

Abatement Worker (Certified 12/8/87).

Contractor/Supervisor (Certified 12/8/  
87).

Inspector/Management Planner  
(Certified 12/8/87).

(xxi)(a) *Training Provider:*  
Metropolitan Laboratories.

Address: P.O. Box 8921, Norfolk, VA  
23503, Contact: Ethel Holmes, Phone:  
(804) 583-9444.

(b) *Approved Courses:*

Abatement Worker (Certified 8/4/88).

Contractor/Supervisor (Certified 8/4/  
88).

(xxii)(a) *Training Provider:* Norfolk  
Shipbuilding & Dry Dock Co.

Address: P.O. Box 2100, Norfolk, VA  
23501, Contact: Thomas Beacham,  
Phone: (804) 494-2940.

(b) *Approved Course:*

Abatement Worker (Certified 6/15/88).

(xxiii)(a) *Training Provider:* Old  
Dominion University.

Address: Office of Health Sciences,  
Norfolk, VA 23529, Contact: Shirley  
Glover, Phone: (804) 440-4256.

(b) *Approved Courses:*

Abatement Worker (Certified 6/8/88).

Contractor/Supervisor (Certified 6/8/  
88).

Inspector/Management Planner  
(Certified 6/8/88).

(xxiv)(a) *Training Provider:* Quality  
Specialties, Inc.

Address: 109 15th Ave., Hopewell, VA  
23860, Contact: Lewis Stevenson,  
Phone: (804) 748-9606.

(b) *Approved Course:*

Abatement Worker (Certified 5/3/88).

(xxv)(a) *Training Provider:* Roy F.  
Weston, Inc.

Address: 1635 Pumphrey Ave., Auburn,  
AL 36830, Contact: Dave Whittington,  
Phone: (205) 826-8100.

(b) *Approved Course:*

Inspector/Management Planner  
(Certified 6/1/89).

(xxvi)(a) *Training Provider:* S.G.  
Brown, Inc.

Address: 2701 Sonic Dr., Virginia Beach,  
VA 23334, Contact: George Torrence,  
Phone: (804) 468-0027.

(b) *Approved Course:*

Abatement Worker (Certified 6/10/88).

(xxvii)(a) *Training Provider:* The  
Francis L. Greenfield Institute.

Address: Route 6344, P.O. Box 217,  
Sterling, VA 22170, Contact: Bengamin  
Bostic, Phone: (703) 450-5950.

(b) *Approved Course:*

Abatement Worker (Certified 10/10/88).

(xxviii)(a) *Training Provider:*  
Tidewater Community College.

Address: VA Beach Campus, 1700  
College Crescent, Virginia Beach, VA  
23456, Contact: Sam Lamb, Phone:  
(804) 427-7198.

(b) *Approved Course:*

Abatement Worker (Certified 3/21/89).

(xxix)(a) *Training Provider:*  
University of Virginia National Asbestos  
Council Division of Continuing  
Education.

Address: 106 Midmont Lake,  
Charlottesville, VA 22903, Contact:  
Gregory Pels, Phone: (804) 924-7114.

(b) *Approved Course:*

Abatement Worker (Certified 3/7/88).

(xxx)(a) *Training Provider:* Waco, Inc.  
Address: Highway 925, N, Waldorf, MD  
20601, Contact: Wayne Cooper, Phone:  
(301) 843-2488.

(b) *Approved Courses:*

Abatement Worker (Certified 10/31/88).  
Contractor/Supervisor (Certified 10/31/  
88).

(xxxi)(a) *Training Provider:* White  
Lung Association.

Address: 1114 Cathedral St., Baltimore,  
MD 21201, Contact: James Fite, Phone:  
(301) 289-3529.

(b) *Approved Course:*

Inspector/Management Planner  
(Certified 7/11/88).

(17)(a) *State:* Washington.

State Agency: Washington Department  
of Labor and Industries, Division of  
Industrial Safety and Health, Address:  
805 Oplum St., SE, Olympia, WA  
98504, Contact: Steve Cant, Phone:  
(206) 753-6497.

(b) *Approved Accreditation Program  
Disciplines:*

Abatement Worker (full from 11/10/89).

Contractor/Supervisor (full from 11/10/  
89).

(18)(a) *State:* Wisconsin.

State Agency: Department of Health &  
Social Services, Division of Health,  
Address: 1 West Wilson St., P.O. Box  
309, Madison, WI 53701-0309, Contact:  
Patricia A. Goodrich, Phone: (608) 266-  
3681.

(b) *Approved Accreditation Program  
Disciplines:*

Abatement Worker (full from 11/10/89).

Contractor/Supervisor (full from 11/10/  
89).

Inspector (full from 11/10/89).

Inspector/Management Planner (full  
from 11/10/89).

Project Designer (full from 11/10/89).

*EPA-Approved Training Courses*

*REGION I -- Boston, MA*

*Regional Asbestos Coordinator:* Joe  
DeCola, EPA, Region I, Air and  
Management Division (APT-2311), JFK  
Federal Building, Boston, MA 02203.  
(617) 565-3835, (FTS) 835-3835.

*List of Approved Courses:* The  
following training courses have been  
approved by EPA. The courses are listed  
under (b). This approval is subject to the  
level of certification indicated after the  
course name. Training Providers are  
listed in alphabetical order and do not  
reflect a prioritization. Approvals for  
Region I training courses and contact  
points for each, are as follows:

(1)(a) *Training Provider:* Brooks Safe  
& Sound, Inc.

Address: 44 Codfish Ln., Weston, CT  
06883, Contact: Allan Griffin, Phone:  
(203) 226-6970.

(b) *Approved Course:*

Inspector/Management Planner  
(contingent from 11/1/89).

(2)(a) *Training Provider:* Con-Test,  
Inc.

Address: P.O. Box 591, East  
Longmeadow, MA 01028, Contact:  
Brenda Bolduc, Phone: (413) 525-1198.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/  
2/87).

Abatement Worker Refresher Course  
(full from 11/22/86).



Contractor/Supervisor (contingent from 10/2/87).

Contractor/Supervisor Refresher Course (contingent from 10/2/87).

Contractor/Supervisor Refresher Course (full from 12/21/88).

Inspector/Management Planner (contingent from 10/2/87).

Inspector/Management Planner Refresher Course (contingent from 10/2/87).

Inspector/Management Planner Refresher Course (full from 2/1/89).

(3)(a) *Training Provider:* Ecosystems, Inc.

Address: 266 Mian St., Suite 19, Medfield, MA 02052, Contact: Richard Doyle, Phone: (617) 239-8181.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 10/5/87).

(4)(a) *Training Provider:* Enviromed Services, Inc.

Address: 25 Science Park, New Haven, CT 06511, Contact: Lawrence J. Cannon, Phone: (203) 788-5580.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/8/88).

Abatement Worker Refresher Course (contingent from 8/19/89).

Contractor/Supervisor (contingent from 2/23/89).

Contractor/Supervisor Refresher Course (contingent from 6/19/89).

Inspector/Management Planner (contingent from 1/30/89).

(5)(a) *Training Provider:* Environmental Training Services.

Address: 12 Walnut Hill Park, P.O. Box 806, Woburn, MA 01801, Contact: Kenneth P. Martin, Phone: (617) 398-0348.

(b) *Approved Course:*

Abatement Worker (contingent from 4/22/88).

(6)(a) *Training Provider:* Hygientics, Inc.

Address: 150 Causeway St., Boston, MA 02114, Contact: John W. Cowdery, Phone: (617) 723-4664.

(b) *Approved Course:*

Inspector (contingent from 10/2/87).

(7)(a) *Training Provider:* Industrial Health & Safety Consultants, Inc.

Address: 915 Bridgeport Ave., Shelton, CT 06484, Contact: Angela D. Rath, Phone: (203) 929-1131.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/15/89).

Abatement Worker Refresher Course (contingent from 6/19/89).

Contractor/Supervisor (contingent from 5/12/89).

Contractor/Supervisor Refresher Course (contingent from 6/19/89).

Inspector/Management Planner (contingent from 11/1/89).

(8)(a) *Training Provider:* Institute for Environmental Education.

Address: 208 West Cummings Park, Woburn, MA 01801, Contact: Lisa Stammer, Phone: (617) 935-7370.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/28/88).

Abatement Worker Refresher Course (full from 11/3/88).

Contractor/Supervisor (full from 9/18/87).

Contractor/Supervisor Refresher Course (full from 11/3/88).

Inspector/Management Planner (contingent from 10/2/87).

Inspector/Management Planner Refresher Course (contingent from 10/31/88).

Project Designer (contingent from 2/28/89).

Project Designer Refresher Course (contingent from 8/8/89).

(9)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 33.

Address: 15 South Elm St., Wallingford, CT 06492, Contact: Joseph V. Soli, Phone: (203) 235-3547.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 7/27/88).

(10)(a) *Training Provider:* Maine Labor Group on Health, Inc.

Address: P.O. Box V, Augusta, ME 04330, Contact: Diana White, Phone: (207) 622-7823.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/87).

Abatement Worker Refresher Course (contingent from 10/17/88).

Contractor/Supervisor (contingent from 5/18/87).

Contractor/Supervisor Refresher Course (full from 3/26/88).

(11)(a) *Training Provider:* New England Laborers Training Trust Fund.

Address: Route 97 & Murdock Rd., P.O. Box 77, Pomfret Center, CT 06259, Contact: Gennaro Lepore, Phone: (203) 974-1455.

(b) *Approved Course:*

Abatement Worker (contingent from 5/25/89).

(12)(a) *Training Provider:* New England Laborers Training Trust Fund.

Address: 37 East St., Hopkinton, MA 01748, Contact: Jim Merloni, Jr., Phone: (617) 435-6316.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/5/87).

Abatement Worker Refresher Course (contingent from 5/20/88).

(13)(a) *Training Provider:* Radiation Safety Associates, Inc.

Address: P.O. Box 107, 10 Pendleton Dr., Hebron, CT 06248, Contact: Joseph T. Althouse, Phone: (203) 228-0487.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 5/16/89).

Inspector/Management Planner (contingent from 5/16/89).

(14)(a) *Training Provider:* Tufts University Asbestos Information Center.

Address: 474 Boston Ave., Medford, MA 02155, Contact: Brenda Cole, Phone: (617) 381-3531.

(b) *Approved Courses:*

Contractor/Supervisor (interim from 9/1/85 to 5/31/87).

Contractor/Supervisor (full from 6/1/87).

Inspector/Management Planner (full from 11/16/87).

#### EPA-Approved Training Courses

##### REGION II -- Edison, NJ

*Regional Asbestos Coordinator:* Arnold Freiburger, EPA, Region II, Woodbridge Ave., Raritan Depot, Bldg. 5, (MS-500), Edison, NJ 08837. (201) 321-6671, (FTS) 340-6671.

*List of Approved Courses:* The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region II training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* AAC Contracting, Inc.

Address: 243 Paul Rd., Rochester, NY 14624, Contact: Kevin T. Cannan, Phone: (716) 328-7010.

(b) *Approved Course:*

Abatement Worker (contingent from 5/8/89).

(2)(a) *Training Provider:* ATC Environmental, Inc.

Address: 104 East 25th St., New York, NY 10010, Contact: David V. Chambers, Phone: (212) 353-8280.

(b) *Approved Courses:*

Abatement Worker (full from 11/7/88).

Contractor/Supervisor (full from 11/7/88).

Inspector/Management Planner (contingent from 6/5/88).



Inspector/Management Planner (full from 3/6/89).

(3)(a) *Training Provider:* Abatement Safety Training Institute.

Address: 323 West 39th St., New York, NY 10018, Contact: Jay Sall, Phone: (212) 629-8400.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/25/88).

Contractor/Supervisor (contingent from 10/25/88).

Inspector/Management Planner (contingent from 3/9/88).

Inspector/Management Planner (full from 3/21/88).

Inspector/Management Planner Refresher Course (contingent from 1/11/89).

Inspector/Management Planner Refresher Course (full from 1/30/89).

(4)(a) *Training Provider:* Adelaide Environmental Health Associates.

Address: 61 Front St., Binghamton, NY 13905-4705, Contact: William S. Carter, Phone: (607) 722-6839.

(b) *Approved Course:*

Abatement Worker (contingent from 11/14/88).

(5)(a) *Training Provider:* Albany Environmental Technologies (A.E. Technologies).

Address: P.O. Box 1346, Schenectady, NY 12301, Contact: Kevin Pilgrim, Phone: (518) 374-4801.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/8/89).

Contractor/Supervisor (contingent from 6/8/89).

(6)(a) *Training Provider:* Albany-Schaharie-Schenectady BOCES.

Address: 47 Cornell Rd., Latham, NY 12110, Contact: Charlene Vespi, Phone: (518) 786-3211.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/20/89).

Contractor/Supervisor (contingent from 7/20/89).

Inspector/Management Planner Refresher Course (contingent from 10/6/89).

(7)(a) *Training Provider:* Allegheny Council on Occupational Health.

Address: 100 East Second St., Suite 3, Jamestown, NY 14701, Contact: Linda Berlin, Phone: (716) 488-0720.

(b) *Approved Course:*

Abatement Worker (contingent from 7/26/89).

(8)(a) *Training Provider:* Allwash of Syracuse, Inc.

Address: P.O. Box 605, Syracuse, NY 13201, Contact: Ronald D. Roy, Phone: (315) 454-4476.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/16/87).

Abatement Worker (full from 12/7/88).

Abatement Worker Refresher Course (contingent from 12/15/88).

Contractor/Supervisor (contingent from 1/30/89).

Contractor/Supervisor Refresher Course (contingent from 10/17/89).

(9)(a) *Training Provider:* Alternative Ways, Inc. Educational Services.

Address: Barclay Pavilion E, Suite 222, Route 70, Cherry Hill, NJ 08034, Contact: Linda A. Pardi, Phone: (609) 795-1991.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/11/88).

Contractor/Supervisor (contingent from 4/11/88).

Inspector/Management Planner (contingent from 4/22/88).

Inspector/Management Planner (full from 5/26/88).

Inspector/Management Planner Refresher Course (contingent from 1/18/89).

(10)(a) *Training Provider:* Anderson International.

Address: RD 2, North Main Street Extension, Jamestown, NY 14701, Contact: Sally L. Gould, Phone: (716) 664-4028.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/29/88).

Contractor/Supervisor (contingent from 12/29/88).

(11)(a) *Training Provider:* Applied Respiratory Technology.

Address: P.O. Box 1132, Peekskill, NY 10566, Contact: Paul M. Madigan, Phone: (914) 431-8421.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/88).

Abatement Worker (full from 11/28/88).

Abatement Worker Refresher Course (contingent from 10/19/88).

Contractor/Supervisor (contingent from 8/11/88).

Contractor/Supervisor (full from 11/28/88).

Contractor/Supervisor Refresher Course (contingent from 10/31/88).

(12)(a) *Training Provider:* Asbestos Control Management, Inc.

Address: 126 South Third St., Olean, NY 14760, Contact: Clar D. Anderson, Phone: (716) 372-6393.

(b) *Approved Course:*

Abatement Worker (contingent from 5/5/89).

(13)(a) *Training Provider:* Asbestos Training Academy, Inc.

Address: 218 Cooper Center, Pennsauken, NJ 08109, Contact: Maryann Brady, Phone: (609) 488-9200.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/15/88).

Abatement Worker (full from 11/7/88).

Contractor/Supervisor (contingent from 9/15/88).

Contractor/Supervisor (full from 11/7/88).

Inspector (contingent from 4/27/89).

(14)(a) *Training Provider:* Asteco, Inc.

Address: P.O. Box 2204, Niagara University, Niagara, NY 14109, Contact: John Larson, Phone: (716) 297-5992.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/88).

Abatement Worker (full from 4/13/88).

Abatement Worker Refresher Course (contingent from 12/20/88).

(15)(a) *Training Provider:* Astoria Industries, Inc.

Address: 538 Stewart Ave., Brooklyn, NY 11222, Contact: Gary DiPalo, Jr., Phone: (718) 387-0011.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/8/88).

Abatement Worker (full from 4/18/88).

Contractor/Supervisor (contingent from 9/20/89).

Inspector (contingent from 1/18/89).

(16)(a) *Training Provider:* BOCES-Schuyler, Chemung, Tioga Counties.

Address: 431 Philo Road, Elmira, NY 14903, Contact: L. Eugene Ferro, Phone: (607) 739-3581.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/1/89).

Abatement Worker Refresher Course (contingent from 6/1/89).

Contractor/Supervisor (contingent from 6/1/89).

Contractor/Supervisor Refresher Course (contingent from 6/1/89).

Inspector/Management Planner Refresher Course (contingent from 6/1/89).

(17)(a) *Training Provider:* Board of Cooperative Education Services of Rensselaer & Green Counties New York.

Address: 1550 Schuurman Road, Castleton, NY 12033, Contact: Paul Bowler, Phone: (518) 732-7266.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 4/10/89).

(18)(a) *Training Provider:* Board of Cooperative Educational Services (BOCES) No. 3.



Address: 507 Deer Park Rd., Dix Hills, NY 11746, Contact: Ciro Aiello, Phone: (516) 667-6000 X 300.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/6/89).

Contractor/Supervisor (contingent from 2/6/89).

(19)(a) *Training Provider:* Board of Cooperative Educational Services of Rensselaer, (Columbia) & Green Counties of New York.

Address: Brookview Rd., P.O. Box 26, Brookview, NY 12026, Contact: Paul D. Bowler, Phone: (518) 732-7266.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/10/89).

Inspector/Management Planner (contingent from 4/10/89).

(20)(a) *Training Provider:* Board of Cooperative Educational Services-Suffolk County Boces 2, Adult Occup. & Continuing ED.

Address: 375 Locust Ave., Oakdale, NY 11769, Contact: Edward J. Milliken, Phone: (516) 563-2954.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/27/89).

Abatement Worker Refresher Course (contingent from 6/16/89).

Contractor/Supervisor (contingent from 3/27/89).

Contractor/Supervisor Refresher Course (contingent from 6/16/89).

(21)(a) *Training Provider:* Branch Services, Inc.

Address: 1255 Lakeland Ave., Bohemia, NY 11716, Contact: Luis Sanders, Phone: (516) 563-7300.

(b) *Approved Course:*

Abatement Worker (contingent from 6/1/89).

(22)(a) *Training Provider:* Buffalo Laborers Training Fund.

Address: 481 Franklin St., Buffalo, NY 14202, Contact: Victor J. Sansanese, Phone: (716) 884-7157.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/30/88).

Abatement Worker Refresher Course (contingent from 8/8/89).

(23)(a) *Training Provider:* Building Laborers Local Union No. 17.

Address: P.O. Box 252, Vails Gate, NY 12584, Contact: Victor P. Mandia, Phone: (914) 562-1121.

(b) *Approved Course:*

Abatement Worker (contingent from 10/31/88).

(24)(a) *Training Provider:* Calibrations, Inc.

Address: 802 Watervliet - Shaker Rd., Latham, NY 12110, Contact: James Percent, Phone: (518) 318-1893.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/28/89).

Abatement Worker (full from 12/5/89).

Abatement Worker Refresher Course (contingent from 3/6/89).

Contractor/Supervisor (contingent from 9/28/89).

Contractor/Supervisor (full from 12/5/88).

Contractor/Supervisor Refresher Course (contingent from 3/6/89).

Inspector/Management Planner (contingent from 9/28/89).

Inspector/Management Planner Refresher Course (contingent from 3/6/89).

Project Designer (full from 5/23/88).

Project Designer Refresher Course (contingent from 3/6/89).

(25)(a) *Training Provider:* Cayuga-Onondaga BOCES.

Address: 234 South Street Rd., Auburn, NY 13021, Contact: Peter Pirnie, Phone: (315) 253-0361.

(b) *Approved Course:*

Abatement Worker (contingent from 6/17/88).

(26)(a) *Training Provider:* Comprehensive Analytical Group.

Address: , NY 13206, Contact: , Phone: (315) 432-0855.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/9/89).

Abatement Worker Refresher Course (contingent from 4/25/89).

Contractor/Supervisor (contingent from 3/29/89).

Contractor/Supervisor Refresher Course (contingent from 5/18/89).

Inspector (contingent from 10/27/89).

(27)(a) *Training Provider:* Ecology & Environment, Inc.

Address: Buffalo Corporate Center, 368 Pleasantview Dr., Lancaster, NY 14086, Contact: Thomas G. Siener, Phone: (716) 684-8060.

(b) *Approved Course:*

Inspector/Management Planner Refresher Course (contingent from 4/7/89).

(28)(a) *Training Provider:* Education & Training Fund Laborers' Local No. 91.

Address: 2556 Seneca Ave., Niagra Falls, NY 14305, Contact: Joel Cicero, Phone: (716) 297-6001.

(b) *Approved Courses:*

Abatement Worker (full from 7/27/87).

Abatement Worker Refresher Course (contingent from 10/20/88).

Abatement Worker Refresher Course (full from 10/22/88).

(29)(a) *Training Provider:* Edward O. Watts & Associates.

Address: 1331 North Forest Rd., Suite 340, Buffalo, NY 14221, Contact: Edward O. Watts, Phone: (716) 688-4827.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).

Abatement Worker Refresher Course (contingent from 3/3/89).

Contractor/Supervisor (contingent from 7/12/89).

Contractor/Supervisor Refresher Course (contingent from 3/3/89).

(30)(a) *Training Provider:*

Environmental Training, Inc.

Address: 661 Fulton St., Brooklyn, NY 11217, Contact: Nelson Helu, Phone: (718) 625-4300.

(b) *Approved Course:*

Abatement Worker (contingent from 4/25/88).

(31)(a) *Training Provider:* General Bldg. Laborer's Local Union No. 66.

Address: 288 Middle Island Rd., Medford, NY 11763, Contact: Michael Barbara, Phone: (516) 249-1110.

(b) *Approved Course:*

Abatement Worker (full from 8/10/89).

(32)(a) *Training Provider:* Hazardous Waste Management Corp. Training Center of Buffalo, New York.

Address: 3816 Union Rd., Buffalo, NY 14225-5301, Contact: Donald Larder, Phone: (716) 634-3000.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/31/88).

Contractor/Supervisor (contingent from 10/31/88).

(33)(a) *Training Provider:* Hudson Asbestos Training Institute.

Address: 609 Manhattan Ave., Brooklyn, NY 11222, Contact: Henry Kawiorski, Phone: (718) 383-2656.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/30/89).

Abatement Worker (full from 3/13/89).

Contractor/Supervisor (contingent from 1/30/89).

(34)(a) *Training Provider:* Hunter College Asbestos Training Center/United Brotherhood of Carpenters & Joiners of America.

Address: 425 East 25th St., New York, NY 10010, Contact: Jack Caravanos, Phone: (212) 481-7569.

(b) *Approved Courses:*

Abatement Worker (full from 7/1/88).

Abatement Worker Refresher Course (contingent from 6/20/89).



Contractor/Supervisor (full from 7/1/88).  
Contractor/Supervisor Refresher Course (contingent from 6/20/89).

(35)(a) *Training Provider:* Hygeia Research & Training.

Address: P.O. Box 4506, Utica, NY 13501.  
Contact: Richard A. Gigliotti, Phone: (315) 732-8567.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/9/88).

Abatement Worker (full from 5/6/88).

Abatement Worker Refresher Course (contingent from 12/12/88).

Contractor/Supervisor (contingent from 1/26/89).

Contractor/Supervisor Refresher Course (contingent from 12/20/88).

(36)(a) *Training Provider:* Institute of Asbestos Awareness.

Address: 2 Heitz Pl., Suite 1000, Hicksville, NY 11801, Contact: Henry R. Clegg, Phone: (516) 937-1600.

(b) *Approved Courses:*

Abatement Worker (full from 10/24/88).

Abatement Worker Refresher Course (contingent from 3/8/89).

Contractor/Supervisor (full from 10/24/88).

Contractor/Supervisor Refresher Course (contingent from 3/8/89).

Inspector/Management Planner (contingent from 9/28/88).

Inspector/Management Planner (full from 3/2/89).

Inspector/Management Planner Refresher Course (contingent from 3/8/89).

Project Designer (contingent from 9/26/89).

(37)(a) *Training Provider:* Institute of Asbestos Technology Corp.

Address: 5900 Butternut Dr., East Syracuse, NY 13057, Contact: Doreen E. Bianchi, Phone: (315) 437-1307.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/18/88).

Abatement Worker (full from 6/27/88).

Abatement Worker Refresher Course (contingent from 12/20/88).

Contractor/Supervisor (contingent from 4/7/89).

Contractor/Supervisor Refresher Course (contingent from 6/8/89).

Inspector/Management Planner Refresher Course (contingent from 10/27/89).

(38)(a) *Training Provider:* Kaselaan & D'Angelo Associates, Inc.

Address: 220 Fifth Ave., New York, NY 10001, Contact: Lance Fredericks, Phone: (212) 216-6340.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/15/89).

Contractor/Supervisor (contingent from 3/27/89).

Inspector/Management Planner (contingent from 2/12/88).

Inspector/Management Planner (full from 3/7/88).

Inspector/Management Planner Refresher Course (full from 4/27/89).

(39)(a) *Training Provider:* Korean Asbestos Training Center.

Address: 46-12 Queens Blvd, Long Island City, NY 11104, Contact: Tchang S. Bahrk, Phone: (718) 361-6464.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/11/89).

Abatement Worker Refresher Course (contingent from 5/22/89).

Contractor/Supervisor (contingent from 5/11/89).

Contractor/Supervisor Refresher Course (contingent from 5/22/89).

(40)(a) *Training Provider:* Laborers Local Union No. 214 of Oswego New York & Vicinity Training & Education Fund.

Address: 23 Mitchell St., Oswego, NY 13126, Contact: John T. Shannon, Phone: (315) 343-8553.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/1/88).

Abatement Worker (full from 1/23/89).

Abatement Worker Refresher Course (contingent from 2/15/89).

Contractor/Supervisor (contingent from 8/22/89).

(41)(a) *Training Provider:* Lozier Architects/Engineers.

Address: 600 Perinton Hills, Fairport, NY 14450, Contact: Dyke Coyne, Phone: (716) 223-7610.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/12/89).

Abatement Worker Refresher Course (contingent from 7/12/89).

(42)(a) *Training Provider:* McDonnell-Gamble Environmental Services, Inc.

Address: 444 Park Ave. S, 5th Fl., Suite 503, New York, NY 10016, Contact: Yelena Goodman, Phone: (212) 545-1122.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/15/88).

Abatement Worker (full from 12/5/88).

Abatement Worker Refresher Course (contingent from 8/25/89).

Contractor/Supervisor (contingent from 10/18/88).

Contractor/Supervisor (full from 12/5/88).

(43)(a) *Training Provider:* Mid-Atlantic Asbestos Training Center

UMDMJ Robert Wood Johnson Medical School.

Address: 675 Hoes Ln., Piscataway, NJ 08854-5635, Contact: Lee Laustsen, Phone: (201) 463-4500.

(b) *Approved Courses:*

Abatement Worker (full from 7/28/86).

Abatement Worker Refresher Course (contingent from 10/17/89).

Contractor/Supervisor (full from 7/28/86).

Contractor/Supervisor Refresher Course (contingent from 10/17/89).

Inspector/Management Planner (full from 11/16/87).

Inspector/Management Planner Refresher Course (full from 11/18/88).

Project Designer Refresher Course (contingent from 10/17/89).

(44)(a) *Training Provider:* Monroe Community College of Rochester, New York.

Address: P.O. Box 9720, Rochester, NY 14623-0720, Contact: Dusty Swanger, Phone: (716) 272-9839.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/7/88).

Abatement Worker (full from 4/26/89).

(45)(a) *Training Provider:* National Asbestos Training Institute (NATI).

Address: 1776 Bloomsbury Ave., Ocean, NJ 07712, Contact: Doris L. Adler, Phone: (201) 918-0610.

(b) *Approved Courses:*

Abatement Worker Refresher Course (contingent from 10/20/89).

Contractor/Supervisor Refresher Course (contingent from 10/20/89).

Inspector/Management Planner (contingent from 6/13/88).

Inspector/Management Planner (full from 4/17/89).

Inspector/Management Planner Refresher Course (contingent from 5/25/89).

Project Designer (contingent from 11/3/89).

Project Designer Refresher Course (contingent from 10/20/89).

(46)(a) *Training Provider:* National Institute on Abatement Science & Technology (NIAT).

Address: 114 West State St., P.O. Box 1780, Trenton, NJ 08607-1780, Contact: Glenn W. Phillips, Phone: (800) 422-2836.

(b) *Approved Courses:*

Inspector (contingent from 3/8/88).

Inspector (full from 4/11/88).

(47)(a) *Training Provider:* New York University School of Continuing Education Real Estate Institute, The Midtown Center.



Address: 11 West 42nd St., New York, NY 10036, Contact: Charles Schwartz, Phone: (212) 790-1344.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/18/89).

Abatement Worker Refresher Course (contingent from 6/8/89).

Contractor/Supervisor (contingent from 5/18/89).

Contractor/Supervisor Refresher Course (contingent from 6/8/89).

Inspector/Management Planner (contingent from 5/18/89).

Inspector/Management Planner Refresher Course (contingent from 6/8/89).

Project Designer (contingent from 5/18/89).

Project Designer Refresher Course (contingent from 6/8/89).

(48)(a) *Training Provider:* Niagara County Community College.

Address: 160 Washburn St., Lockport, NY 14094, Contact: Eugene Zinni, Phone: (716) 731-3271.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/5/88).

Abatement Worker (full from 1/25/88).

Abatement Worker Refresher Course (contingent from 1/23/89).

Contractor/Supervisor (contingent from 1/5/88).

Contractor/Supervisor (full from 2/19/88).

Contractor/Supervisor Refresher Course (contingent from 2/8/89).

Inspector/Management Planner (contingent from 5/18/88).

Inspector/Management Planner (full from 12/5/88).

Inspector/Management Planner Refresher Course (contingent from 3/6/89).

(49)(a) *Training Provider:*

Northeastlen Analytical Corporation.

Address: 4 Stow Rd., Marlton, NJ 08053, Contact: Robert Howlitt, Phone: (609) 985-8000.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/17/89).

Contractor/Supervisor (contingent from 8/17/89).

(50)(a) *Training Provider:* O'Brien & Gere Engineers, Inc.

Address: Box 4873, 1304 Buckley Rd., Syracuse, NY 13221, Contact: Edwin C. Tift, Jr., Phone: (315) 451-4700.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/19/89).

Abatement Worker (full from 4/10/89).

Contractor/Supervisor (contingent from 1/19/89).

Contractor/Supervisor (full from 4/10/89).

Inspector/Management Planner (full from 10/27/88).

Inspector/Management Planner Refresher Course (contingent from 2/24/89).

(51)(a) *Training Provider:* Orange/ Ulster BOCES Risk Management Dept.

Address: RD 2 Gibson Rd., Goshen, NY 10924, Contact: Arthur J. Lange, Phone: (914) 294-5431.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/2/89).

Contractor/Supervisor (contingent from 3/2/89).

(52)(a) *Training Provider:* P.A. Environmental Corp.

Address: 4240-24F Hutchinson River Pkwy. E, Bronx, NY 10475, Contact: Pichai Arjarasapun, Phone: (212) 379-6716.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/31/89).

Abatement Worker Refresher Course (contingent from 5/31/89).

Contractor/Supervisor (contingent from 5/31/89).

Contractor/Supervisor Refresher Course (contingent from 5/31/89).

(53)(a) *Training Provider:* Paradigm Environmental Services, Inc.

Address: 961 Lyell Ave., Building 2, Suite 8, Rochester, NY 14606, Contact: Marcia R. Cummings, Phone: (716) 647-2530.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/19/89).

Abatement Worker Refresher Course (contingent from 10/3/89).

Contractor/Supervisor Refresher Course (contingent from 10/6/89).

(54)(a) *Training Provider:* Puerto Rico Environmental Consultants and Training Center, Inc.

Address: Cond. Banco Cooperative Plaza Office, 302-B, Hato Rey, PR 00917, Contact: Roberto Berber, Phone: (809) 250-6052.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/1/89).

Contractor/Supervisor (contingent from 11/1/89).

Inspector/Management Planner (contingent from 11/1/89).

(55)(a) *Training Provider:* Princeton Testing Laboratory, Inc.

Address: 3490 US Route 1, Princeton Service Center, Princeton, NJ 08543, Contact: Anne Coogan, Phone: (609) 452-9050.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 3/21/88).

(56)(a) *Training Provider:* R. J. Fletcher, Inc.

Address: P.O. Box 5021, Utica, NY 13505, Contact: Robert J. Fletcher, Phone: (315) 724-0141.

(b) *Approved Courses:*

Abatement Worker Refresher Course (contingent from 2/24/89).

Inspector/Management Planner Refresher Course (contingent from 2/24/89).

(57)(a) *Training Provider:* SUNY College of Technology at Farmingdale.

Address: Biology Department, Nathan Hale Hall, Farmingdale, NY 11735, Contact: Charles Erlanger, Phone: (516) 420-2000.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 4/24/89).

Inspector/Management Planner Refresher Course (contingent from 4/24/89).

(58)(a) *Training Provider:* Safe Air Environmental Group, Inc.

Address: P.O. Box 457, Depew, NY 14043, Contact: Reza Farrokh, Phone: (800) 634-7234.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/8/88).

Abatement Worker (full from 4/4/88).

Abatement Worker Refresher Course (contingent from 3/2/89).

Contractor/Supervisor (contingent from 3/8/88).

Contractor/Supervisor (full from 4/4/88).

Contractor/Supervisor Refresher Course (contingent from 3/2/89).

(59)(a) *Training Provider:* Schuyler-Chemung-Tioga Board of Cooperative Educational Services.

Address: 431 Philo Rd., Elmira, NY 14903, Contact: L. Eugene Ferro, Phone: (607) 739-3581.

(b) *Approved Course:*

Inspector/Management Planner Refresher Course (contingent from 1/11/89).

(60)(a) *Training Provider:* State University of New York at Buffalo.

Address: 127 Farber Hall, University of New York, Buffalo, NY 14214, Contact: Paul J. Kostyniak, Phone: (716) 831-2125.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/13/89).

Abatement Worker Refresher Course (contingent from 2/2/89).



Contractor/Supervisor (contingent from 10/13/89).

Contractor/Supervisor Refresher Course (contingent from 2/2/89).

Inspector/Management Planner (contingent from 1/25/89).

Inspector/Management Planner Refresher Course (contingent from 2/2/89).

(61)(a) *Training Provider:* State of New Jersey Dept. of Health.

Address: CN 360, Trenton, NJ 08625, Contact: James A. Brownlee, Phone: (609) 984-2193.

(b) *Approved Course:*

Inspector/Management Planner Refresher Course (contingent from 3/28/89).

(62)(a) *Training Provider:* Testwell Craig Laboratories of Albany, Inc.

Address: 518 Clinton Ave., Albany, NY 12206, Contact: George W. Stowell, Phone: (518) 436-4114.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/21/88).

Abatement Worker (full from 1/24/89).

Abatement Worker Refresher Course (contingent from 10/17/89).

Contractor/Supervisor (contingent from 6/20/89).

(63)(a) *Training Provider:* Tri-Cities Laborers Training Program.

Address: 5 Lombard St., Schenectady, NY 12304, Contact: Joseph A. Zappone, Phone: (518) 370-3463.

(b) *Approved Courses:*

Abatement Worker (full from 3/21/88).

Abatement Worker Refresher Course (contingent from 10/26/88).

Abatement Worker Refresher Course (full from 2/2/89).

(64)(a) *Training Provider:* Union Occupational Health Center.

Address: 450 Grider St., Buffalo, NY 14215, Contact: Garath L. Tubbs, Phone: (716) 894-9366.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/31/88).

Contractor/Supervisor (contingent from 10/10/89).

(65)(a) *Training Provider:* Utilicom Corp.

Address: 7 Tobey Village Office Park, Pittsford, NY 14534, Contact: Dennis J. Money, Phone: (716) 381-8710.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/20/88).

Abatement Worker (full from 10/31/88).

Abatement Worker Refresher Course (contingent from 4/21/89).

(66)(a) *Training Provider:* Warren Mae Associates.

Address: RD 3, Box 390, Endicott, NY 13760, Contact: Janine C. Rogelstad, Phone: (607) 754-8386.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/88).

Abatement Worker (full from 1/4/89).

Abatement Worker Refresher Course (contingent from 3/2/89).

(67)(a) *Training Provider:* Western New York Council on Occupational Safety & Health (WNYCOSH).

Address: 450 Grider St., Buffalo, NY 14215, Contact: Jeanne Reilly, Phone: (716) 897-2110.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/28/87).

Abatement Worker (full from 1/24/88).

(68)(a) *Training Provider:* White Lung Association - NY.

Address: 12 Warren St., 4th Fl., New York, NY 10007, Contact: Daniel Manasia, Phone: (212) 619-2270.

(b) *Approved Course:*

Inspector (contingent from 2/23/89).

(69)(a) *Training Provider:* White Lung Association of New Jersey.

Address: 901 Broad St., Newark, NJ 07102, Contact: Mylers O'Malley, Phone: (201) 824-2623.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/19/89).

Contractor/Supervisor (contingent from 6/19/89).

Inspector/Management Planner (contingent from 9/19/89).

(70)(a) *Training Provider:* Zola Sookias Associates Environmental Consultants.

Address: 545 Eighth Ave., Suite 401, New York, NY 10018, Contact: Zola Sookias, Phone: (212) 330-0914.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/6/89).

Contractor/Supervisor (contingent from 10/6/89).

#### *EPA-Approved Training Courses*

#### *REGION III -- Philadelphia, PA*

*Regional Asbestos Coordinator:* Carole Dougherty, EPA, Region III (3HW-42), 841 Chestnut Bldg., Philadelphia, PA 19107. (215) 597-3160, (FTS) 597-3160.

*List of Approved Courses:* The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for

Region III training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* A & S Training School, Inc.

Address: 99 South Cameron St., Harrisburg, PA 17101, Contact: Anna Marie Sossong, Phone: (717) 257-1360.

(b) *Approved Courses:*

Abatement Worker (full from 5/20/85). Contractor/Supervisor (full from 5/20/85).

(2)(a) *Training Provider:* Aerosol Monitoring & Analysis, Inc.

Address: 1341 Ashton Rd., Suite A, Hanover, MD 21076, Contact: D.R. Twilley, Phone: (301) 684-3327.

(b) *Approved Courses:*

Abatement Worker (full from 11/27/87).

Abatement Worker Refresher Course (contingent from 4/20/89).

Abatement Worker Refresher Course (full from 9/1/89).

Contractor/Supervisor (full from 11/27/87).

Contractor/Supervisor Refresher Course (contingent from 4/20/89).

Contractor/Supervisor Refresher Course (full from 9/1/89).

Inspector/Management Planner (contingent from 3/1/88).

Inspector/Management Planner (full from 3/31/88).

(3)(a) *Training Provider:* Alcam, Inc.

Address: 113 Poplar St., Box 213, Ambler, PA 19002, Contact: Albert Camburn, Phone: (215) 367-2791.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/26/89).

Contractor/Supervisor (contingent from 1/26/89).

(4)(a) *Training Provider:* Alice Hamilton Center for Occupational Health Center.

Address: 410 7th St., SE, 2nd Fl., Washington, DC 20003, Contact: Brian Christopher, Phone: (202) 543-0005.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/12/87).

Abatement Worker (full from 1/16/88).

Abatement Worker Refresher Course (contingent from 12/29/88).

Contractor/Supervisor (full from 1/16/88).

Contractor/Supervisor Refresher Course (contingent from 12/29/88).

Inspector/Management Planner (contingent from 3/9/88).

Inspector/Management Planner (full from 6/20/88).

Inspector/Management Planner Refresher Course (contingent from 3/2/89).



(5)(a) *Training Provider:* American Asbestos Training Institute, Inc.  
Address: 2133 Arch St., Philadelphia, PA 19103, Contact: Linda McNeil, Phone: (215) 988-9710.

(b) *Approved Courses:*  
Abatement Worker (contingent from 5/16/89).  
Contractor/Supervisor (contingent from 5/16/89).

(6)(a) *Training Provider:* American Monitoring & Engineering Services, Inc.  
Address: 200 High Tower Boulevard, Suite 205, Pittsburgh, PA 15205, Contact: David J. Drummond, Phone: (412) 788-8300.

(b) *Approved Course:*  
Inspector/Management Planner (contingent from 7/21/89).

(7)(a) *Training Provider:* Apex Environmental, Inc.  
Address: 7652 Standish Pl., Rockville, MD 20855, Contact: Dorothy Washlick, Phone: (301) 217-9200.

(b) *Approved Courses:*  
Abatement Worker (contingent from 7/27/89).  
Contractor/Supervisor (contingent from 7/27/89).

(8)(a) *Training Provider:* Asbestos Abatement Council, AWCI.  
Address: 1600 Cameron St., Alexandria, VA 22314-2705, Contact: Gene Fisher, Phone: (703) 684-2924.

(b) *Approved Courses:*  
Abatement Worker (full from 6/17/87).  
Contractor/Supervisor (full from 6/17/87).

(9)(a) *Training Provider:* Asbestos Analytical Association, Inc.  
Address: 3208-B George Washington Hwy., Portsmouth, VA 23704, Contact: Carol A. Holden, Phone: (804) 397-0695.

(b) *Approved Courses:*  
Abatement Worker (contingent from 10/7/88).  
Contractor/Supervisor (contingent from 10/7/88).

(10)(a) *Training Provider:* Asbestos Environmental Services of Maryland, Inc.

Address: P.O. Box 28, Timonium, MD 21093, Contact: David George, Phone: (301) 584-1490.

(b) *Approved Courses:*  
Abatement Worker (contingent from 4/6/89).  
Contractor/Supervisor (contingent from 4/6/89).

(11)(a) *Training Provider:* Asbestos Workers Local Union No. 24.  
Address: 6713 Ammendale Rd., Beltsville, MD 20705, Contact: Thomas Haun, Phone: (301) 937-7636.

(b) *Approved Courses:*  
Abatement Worker (contingent from 9/15/88).  
Abatement Worker Refresher Course (contingent from 12/1/88).  
Contractor/Supervisor (contingent from 12/1/88).  
Contractor/Supervisor Refresher Course (contingent from 12/1/88).

(12)(a) *Training Provider:* Biospherics, Inc.  
Address: 12051 Indian Creek Ct., Beltsville, MD 20705, Contact: Marian Meiselman, Phone: (301) 369-3900.

(b) *Approved Courses:*  
Abatement Worker (full from 10/1/87).  
Abatement Worker Refresher Course (contingent from 8/12/88).  
Abatement Worker Refresher Course (full from 10/31/88).  
Contractor/Supervisor (full from 10/1/87).

Contractor/Supervisor Refresher Course (contingent from 8/12/88).  
Contractor/Supervisor Refresher Course (full from 10/31/88).

Inspector/Management Planner (contingent from 5/20/88).  
Inspector/Management Planner (full from 8/15/88).  
Inspector/Management Planner Refresher Course (contingent from 2/23/89).

Inspector/Management Planner Refresher Course (full from 3/20/89).

(13)(a) *Training Provider:* Briggs Associates, Inc. Maryland.  
Address: 8300 Guilford Rd., Suite E, Columbia, MD 21046, Contact: J. Ross Voorhees, Phone: (301) 381-4434.

(b) *Approved Course:*  
Abatement Worker (contingent from 1/30/89).

(14)(a) *Training Provider:* Brujos Scientific, Inc.  
Address: 505 Drury Ln., Baltimore, MD 21229, Contact: Robert Olcerst, Phone: (301) 566-0859.

(b) *Approved Courses:*  
Abatement Worker (full from 11/21/88).  
Contractor/Supervisor (contingent from 9/29/88).

(15)(a) *Training Provider:* Camtech, Inc.

Address: 4550 McKnight Rd., Suite 202, Pittsburgh, PA 15237, Contact: Leslie Connors, Phone: (412) 931-1210.

(b) *Approved Course:*  
Inspector/Management Planner (contingent from 10/13/89).

(16)(a) *Training Provider:* Carpenters Joint Apprenticeship Committee of Western Pennsylvania.

Address: 495 Mansfield Ave., Pittsburgh, PA 15205, Contact: William Shehab, Phone: (412) 922-6200.

(b) *Approved Courses:*  
Abatement Worker (contingent from 12/1/88).  
Abatement Worker (full from 10/6/89).

(17)(a) *Training Provider:* Center for Environmental & Occupational Training, Inc.

Address: 814 East Pittsburgh Plaza, Pittsburgh, PA 15112, Contact: David Ginsburg, Phone: (412) 823-1002.

(b) *Approved Courses:*  
Abatement Worker (contingent from 9/15/88).  
Abatement Worker (full from 12/8/88).  
Abatement Worker Refresher Course (full from 1/19/89).  
Contractor/Supervisor (contingent from 9/15/88).  
Contractor/Supervisor (full from 12/8/88).  
Contractor/Supervisor Refresher Course (full from 1/19/89).

Inspector/Management Planner (contingent from 3/1/89).  
Inspector/Management Planner Refresher Course (contingent from 3/1/89).  
Project Designer (contingent from 6/29/89).

(18)(a) *Training Provider:* Center for Hazardous Materials Research.

Address: University of Pittsburgh Applied, Research Center, 320 William Pitt Way, Pittsburgh, PA 15238, Contact: Steven T. Ostheim, Phone: (412) 826-5320.

(b) *Approved Courses:*  
Abatement Worker (contingent from 11/28/88).  
Contractor/Supervisor (contingent from 11/28/88).

(19)(a) *Training Provider:* Charles County Community College.  
Address: Mitchell Rd., Box 910, LaPlata, MD 20646-0910, Contact: Jake Bair, Phone: (301) 934-2251.

(b) *Approved Courses:*  
Abatement Worker (contingent from 1/26/89).  
Abatement Worker Refresher Course (contingent from 4/20/89).  
Contractor/Supervisor (contingent from 1/26/89).  
Contractor/Supervisor Refresher Course (contingent from 4/20/89).

(20)(a) *Training Provider:* Commonwealth of Pennsylvania Dept. of Public Welfare.

Address: P.O. Box 2675, Harrisburg, PA 17120-0012, Contact: Gerald A. Donatucci, Phone: (717) 783-9543.

(b) *Approved Courses:*  
Abatement Worker (contingent from 8/3/88).



- Abatement Worker (full from 11/15/88).  
(21)(a) *Training Provider*: Delaware Technical & Community College Terry Campus.  
Address: 1798 North DuPont Pkwy., P.O. Box 897, Dover, DE 19903, Contact: David Stanley, Phone: (302) 736-5428.  
(b) *Approved Courses*:  
Abatement Worker (contingent from 4/20/88).  
Abatement Worker Refresher Course (contingent from 3/1/88).  
Contractor/Supervisor (contingent from 4/20/88).  
Contractor/Supervisor Refresher Course (contingent from 3/1/88).  
(22)(a) *Training Provider*: Dept. of the Environment, State of Maryland.  
Address: 2500 Broening Hwy., Baltimore, MD 21224, Contact: Barbara Conrad, Phone: (301) 631-3847.  
(b) *Approved Course*:  
Inspector/Management Planner (contingent from 4/14/89).  
(23)(a) *Training Provider*: District Council of Eastern Pennsylvania.  
Address: 2163 Berry Hill St., Harrisburg, PA 17104, Contact: Gerald D. Temarantz, Phone: (717) 564-2707.  
(b) *Approved Course*:  
Abatement Worker Refresher Course (contingent from 8/17/89).  
(24)(a) *Training Provider*: Drexel University, Office of Continuing Professional Education.  
Address: 32nd & Chestnut Sts., Philadelphia, PA 19104, Contact: Robert Ross, Phone: (215) 895-2156.  
(b) *Approved Courses*:  
Abatement Worker (interim from 9/1/86 to 11/11/87).  
Abatement Worker (full from 11/12/87).  
Abatement Worker Refresher Course (contingent from 12/29/88).  
Contractor/Supervisor (interim from 9/1/86 to 11/11/87).  
Contractor/Supervisor (full from 11/12/87).  
Contractor/Supervisor Refresher Course (contingent from 12/29/88).  
Inspector/Management Planner (contingent from 3/8/88).  
Inspector/Management Planner (full from 3/14/88).  
Inspector/Management Planner Refresher Course (contingent from 12/29/88).  
(25)(a) *Training Provider*: Dynamac Corp.  
Address: 11140 Rockville Pike, Rockville, MD 20852, Contact: Richard A. De Blasio, Phone: (301) 468-2500.  
(b) *Approved Courses*:  
Abatement Worker (contingent from 4/6/89).  
Contractor/Supervisor (contingent from 3/2/89).  
Inspector/Management Planner (contingent from 9/1/88).  
Inspector/Management Planner Refresher Course (contingent from 6/26/89).  
(26)(a) *Training Provider*: E.I. Dupont De Nemours & Co. Spruance Plant.  
Address: P.O. Box 27001, Richmond, VA 23261, Contact: Clarence P. Mihal, Jr., Phone: (804) 743-2948.  
(b) *Approved Course*:  
Abatement Worker (contingent from 11/14/88).  
(27)(a) *Training Provider*: Eagle Industrial Hygiene Association, Inc.  
Address: 405 Masons Mill Rd., Huntingdon Valley, PA 19006, Contact: Stephen R. Bell, Phone: (215) 657-2261.  
(b) *Approved Courses*:  
Abatement Worker (contingent from 4/6/89).  
Abatement Worker (full from 7/14/89).  
Abatement Worker Refresher Course (contingent from 10/30/89).  
Contractor/Supervisor (contingent from 4/6/89).  
Contractor/Supervisor (full from 7/14/89).  
Inspector/Management Planner (contingent from 5/16/89).  
Inspector/Management Planner Refresher Course (contingent from 7/20/89).  
(28)(a) *Training Provider*: Eastern Environmental Services of the Northeast, Inc.  
Address: RD 1, Route 309 North, P.O. Box B, Drums, PA 18222, Contact: Kenneth Skuba, Phone: (717) 788-4155.  
(b) *Approved Courses*:  
Abatement Worker (full from 9/8/88).  
Abatement Worker Refresher Course (contingent from 12/29/88).  
Contractor/Supervisor (contingent from 8/11/88).  
Contractor/Supervisor Refresher Course (contingent from 12/29/88).  
(29)(a) *Training Provider*: Environmental Education Associates.  
Address: 28 West Main St., Plymouth, PA 18651, Contact: Harry H. West, Phone: (717) 779-4242.  
(b) *Approved Courses*:  
Abatement Worker (contingent from 5/17/89).  
Contractor/Supervisor (contingent from 5/17/89).  
Inspector (contingent from 5/17/89).  
(30)(a) *Training Provider*: Environmental Training & Consultants, Inc.  
Address: 2 Bala Plaza, Suite 300, Bala Cynwyd, PA 19004, Contact: Linda L. Kershaw, Phone: (215) 667-4685.  
(b) *Approved Courses*:  
Abatement Worker (contingent from 4/6/89).  
Contractor/Supervisor (contingent from 4/6/89).  
Inspector/Management Planner (contingent from 4/6/89).  
(31)(a) *Training Provider*: Environmental Training, Inc.  
Address: 10 Industrial Hwy., Building N, Tinicum Industrial Park, Philadelphia, PA 19113, Contact: Gary D. Hyrne, Phone: (215) 521-5469.  
(b) *Approved Courses*:  
Abatement Worker (contingent from 3/1/89).  
Abatement Worker Refresher Course (contingent from 6/29/89).  
Contractor/Supervisor (contingent from 3/1/89).  
Contractor/Supervisor Refresher Course (contingent from 6/29/89).  
(32)(a) *Training Provider*: Facilities Management Consultants, Inc.  
Address: P.O. Box 309, Cecil, PA 15321, Contact: Edward Monaco, Phone: (412) 745-1770.  
(b) *Approved Courses*:  
Abatement Worker (contingent from 6/30/88).  
Abatement Worker (full from 10/18/88).  
Abatement Worker Refresher Course (contingent from 7/21/89).  
Contractor/Supervisor (full from 10/18/88).  
Contractor/Supervisor Refresher Course (contingent from 7/21/89).  
(33)(a) *Training Provider*: GA Environmental Services, Inc.  
Address: Pier 5 Penn's Landing, Philadelphia, PA 19106, Contact: Frank E. Cona, Phone: (215) 351-4045.  
(b) *Approved Courses*:  
Abatement Worker (contingent from 8/17/89).  
Contractor/Supervisor (contingent from 8/17/89).  
Inspector/Management Planner (contingent from 11/7/89).  
Project Designer (contingent from 8/17/89).  
(34)(a) *Training Provider*: GST Co.  
Address: Freedom Professional Bldg., 1341 Old Freedom Rd., Suite 3B, Mars, PA 16046, Contact: Norma Stanford, Phone: (412) 772-7488.  
(b) *Approved Courses*:  
Abatement Worker (contingent from 11/14/88).  
Abatement Worker (full from 12/5/88).



Abatement Worker Refresher Course  
(contingent from 1/30/89).  
Contractor/Supervisor (contingent from  
11/14/88).  
Contractor/Supervisor (full from 12/5/  
88).

Contractor/Supervisor Refresher Course  
(contingent from 1/30/89).  
Inspector/Management Planner  
(contingent from 12/29/88).

(35)(a) *Training Provider:* Galson  
Technical Services, Inc.

Address: 5170 Campus Dr., Suite 200,  
Plymouth Meeting, PA 19462, Contact:  
Ernest L. Sweet, Phone: (215) 432-0506.

(b) *Approved Course:*

Inspector/Management Planner  
(contingent from 6/17/88).

(36)(a) *Training Provider:* General  
Physics Corp.

Address: 6700 Alexander Bell Dr.,  
Columbia, MD 21046, Contact:  
Andrew K. Marsh, Phone: (301) 290-  
2300.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/  
6/89).

Contractor/Supervisor (contingent from  
4/6/89).

(37)(a) *Training Provider:* Genty  
Associates.

Address: 6080 Woodland Ave.,  
Philadelphia, PA 19143, Contact:  
Frank Genty, Phone: (215) 727-4420.

(b) *Approved Course:*

Abatement Worker (contingent from 9/  
14/89).

(38)(a) *Training Provider:* Gerald T.  
Fenton, Inc.

Address: 3152 Bladensburg Rd.,  
Washington, DC 20018, Contact: James  
R. Foster, Phone: (202) 269-2112.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/  
15/88).

Contractor/Supervisor (contingent from  
12/15/88).

(39)(a) *Training Provider:* Hazard  
Abatement Training Center.

Address: 101 East Lancaster Ave.,  
Wayne, PA 19087, Contact: Robert  
Mautner, Phone: (215) 971-0830.

(b) *Approved Course:*

Inspector/Management Planner  
(contingent from 4/12/88).

(40)(a) *Training Provider:* Heat & Frost  
Insulators & Asbestos Workers Local  
Union No. 2.

Address: 148 East Mall Plaza, Carnegie,  
PA 15106, Contact: Terry Larkin,  
Phone: (412) 276-3711.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/  
28/88).

Abatement Worker (full from 10/25/88).  
Abatement Worker Refresher Course  
(contingent from 9/28/88).

Abatement Worker Refresher Course  
(full from 12/8/88).

Contractor/Supervisor (contingent from  
9/28/88).

Contractor/Supervisor Refresher Course  
(contingent from 9/28/88).

(41)(a) *Training Provider:* Heat & Frost  
Insulators & Asbestos Workers Local  
Union No. 23.

Address: 42 Lynwood Dr., Rd. 4,  
Allentown, PA 18103, Contact: Jos  
Klocek, Phone: (717) 564-7563.

(b) *Approved Course:*

Abatement Worker (contingent from 10/  
20/88).

(42)(a) *Training Provider:* Ind. Tra. Co.  
Ltd. Address: 18 South 22nd St.,  
Richmond, VA 23223-7024, Contact:

Vera Barley, Phone: (804) 648-7836. (b)

*Approved Courses:* Abatement Worker  
(full from 9/15/87). Abatement Worker

Refresher Course (contingent from 8/12/  
88). Contractor/Supervisor (full from 9/  
15/87). Inspector/Management Planner

(full from 9/16/88). Inspector/  
Management Planner Refresher Course  
(full from 3/1/89).

(43)(a) *Training Provider:*

International Association of Heat &  
Frost Insulators & Asbestos Workers  
Local Union No. 38.

Address: 315 - 317 North Washington St.,  
Wilkes-Barre, PA 18703, Contact:

Robert Hughes, Phone: (717) 829-0634.

(b) *Approved Course:*

Abatement Worker (contingent from 3/  
2/89).

(44)(a) *Training Provider:* JMR

Associates.  
Address: P.O. Box 9895, Philadelphia,  
PA 19140, Contact: Joseph Faulk III,  
Phone: (215) 227-3035.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/  
24/89).

Contractor/Supervisor (contingent from  
8/24/89).

(45)(a) *Training Provider:* Jenkins  
Professionals, Inc.

Address: 5022 Campbell Blvd., Suite F,  
Baltimore, MD 21236, Contact: Larry  
Jenkins, Phone: (301) 529-3553.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/  
10/88).

Abatement Worker Refresher Course  
(contingent from 3/2/89).

Contractor/Supervisor (contingent from  
2/10/88).

Contractor/Supervisor Refresher Course  
(contingent from 3/2/89).

Inspector/Management Planner  
(contingent from 11/1/89).

(46)(a) *Training Provider:* Laborer's  
District Council of Eastern  
Pennsylvania.

Address: 2163 Berryhill St., Harrisburg,  
PA 17104, Contact: Gerald D.  
Temarantz, Phone: (717) 564-2707.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/  
17/88).

Abatement Worker (full from 1/30/89).  
Abatement Worker Refresher Course  
(contingent from 5/17/89).

(47)(a) *Training Provider:* Laborers  
District Council Training Fund of  
Baltimore & Vicinity.

Address: 7400 Buttercup Rd., Sykesville,  
MD 21784, Contact: Robert Williams,  
Phone: (301) 549-1800.

(b) *Approved Course:*

Abatement Worker (contingent from 4/  
10/89).

(48)(a) *Training Provider:* Laborers  
District Council of Western  
Pennsylvania.

Address: 1101 Fifth Ave., Pittsburgh, PA  
15219, Contact: Robert F. Ferrari,  
Phone: (412) 391-8533.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/  
17/88).

Abatement Worker (full from 10/31/88).  
Abatement Worker Refresher Course  
(contingent from 3/2/89).

Contractor/Supervisor (contingent from  
6/17/88).

Contractor/Supervisor (full from 10/31/  
88).

Contractor/Supervisor Refresher Course  
(contingent from 8/17/89).

(49)(a) *Training Provider:* Laborers  
District Council, Education Training  
Fund of Philadelphia & Vicinity.

Address: 500 Lancaster Ave., Exton, PA  
19341, Contact: Jerry Roseman, Phone:  
(215) 836-1175.

(b) *Approved Courses:*

Abatement Worker (interim from 11/1/  
87 to 12/14/87).

Abatement Worker (contingent from 2/  
18/88).

Contractor/Supervisor Refresher Course  
(contingent from 4/20/89).

(50)(a) *Training Provider:* Marcus  
Environmental.

Address: 6345 Courthouse Rd., P.O. Box  
227, Prince George, VA 23875, Contact:  
Susan M. Wilcox, Phone: (804) 733-  
1855.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/  
26/89).

Contractor/Supervisor (contingent from  
1/26/89).



(51)(a) *Training Provider:* Medical College of Virginia Virginia Commonwealth University Dept. of Preventive Medicine.

Address: P.O. Box 212, Richmond, VA 23298, Contact: Leonard Vance, Phone: (804) 786-9785.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 10/2/87).

Contractor/Supervisor (full from 11/2/87).

Contractor/Supervisor Refresher Course (contingent from 8/12/88).

Inspector/Management Planner (full from 2/29/88).

Inspector/Management Planner Refresher Course (contingent from 12/29/88).

(52)(a) *Training Provider:* National Association of Minority Contractors.

Address: 806 15th St., NW, Washington, DC 20012, Contact: Ralph C. Thomas, III, Phone: (202) 347-8259.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/19/89).

Contractor/Supervisor (contingent from 4/19/89).

(53)(a) *Training Provider:* National Training Fund/Workers Institute for Safety & Health (WISH).

Address: 1126 16th St., NW, Washington, DC 20036, Contact: Scott Schneider, Phone: (202) 887-1980.

(b) *Approved Courses:*

Abatement Worker (interim from 11/1/86 to 8/1/87).

Abatement Worker (contingent from 9/18/87).

Abatement Worker (full from 9/18/87).

Abatement Worker Refresher Course (contingent from 12/29/88).

Contractor/Supervisor (interim from 11/1/86 to 8/1/87).

Contractor/Supervisor (contingent from 9/18/87).

Contractor/Supervisor (full from 9/18/87).

Contractor/Supervisor Refresher Course (contingent from 5/18/89).

Inspector (contingent from 5/26/88).

(54)(a) *Training Provider:*

Occupational Medical Center.

Address: 4451 Parliament Pl., Lanham, MD 20706, Contact: Ellen Kite, Phone: (301) 306-0632.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/28/88).

Contractor/Supervisor (contingent from 9/25/89).

(55)(a) *Training Provider:* Old

Dominion University Office of Continuing Education College of Health Services.

Address: 204 Old Science Building, Norfolk, VA 23529-0290, Contact: Shirley Glover, Phone: (804) 440-4256.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/30/88).

Abatement Worker (full from 7/27/88).

(56)(a) *Training Provider:* Oneil M. Banks, Inc.

Address: 336 South Main St., Bel Air, MD 21014, Contact: Oneil M. Banks, Phone: (301) 879-4676.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/5/88).

Abatement Worker (full from 2/20/89).

Abatement Worker Refresher Course (contingent from 10/12/89).

Contractor/Supervisor (contingent from 1/5/88).

Contractor/Supervisor Refresher Course (contingent from 10/12/89).

Inspector (contingent from 3/14/88).

(57)(a) *Training Provider:* Paskal Environmental Services.

Address: 6010 Sonoma Rd., Bethesda, MD 20817, Contact: Steve Paskal, Phone: (301) 571-1507.

(b) *Approved Course:*

Abatement Worker (contingent from 4/28/88).

(58)(a) *Training Provider:*

Pennsylvania Dept. of Welfare.

Address: Room 103 Capitol Associates Bldg., P.O. Box 2675, Harrisburg, PA 17105, Contact: Gerald A. Dovatucci, Phone: (717) 783-9543.

(b) *Approved Course:*

Abatement Worker Refresher Course (contingent from 8/17/89).

(59)(a) *Training Provider:* Philadelphia Electric Co.

Address: Barbados Training Center, Norristown, PA 19401, Contact: John J. Stankiewicz, Phone: (215) 270-8600.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/19/88).

Abatement Worker Refresher Course (contingent from 2/24/89).

(60)(a) *Training Provider:* Phoenix Safety Associates, Ltd.

Address: P.O. Box 545, Phoenixville, PA 19460, Contact: Janice Sharkey, Phone: (215) 935-1770.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 9/1/88).

(61)(a) *Training Provider:* Quality Specialties, Inc.

Address: P.O. Box 46, 109 South 15th Ave., Hopewell, VA 23860, Contact: Lewis Stevenson, Phone: (804) 458-5855.

(b) *Approved Course:*

Abatement Worker (contingent from 8/8/88).

(62)(a) *Training Provider:* RCW Environmental Consulting & Training.

Address: 711 Shetland St., Rockville, MD 20851, Contact: Robert C. Wyatt, Phone: (301) 251-0291.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/1/89).

Contractor/Supervisor (contingent from 8/1/89).

Inspector/Management Planner (contingent from 11/1/89).

(63)(a) *Training Provider:* Roofer Local No. 30/Roofing & Sheet Metal Contractors of Philadelphia & Vicinity Joint Apprentice Program.

Address: 433 Kelly Dr., Philadelphia, PA 19129, Contact: Richard Harvey, Phone: (215) 849-4800.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/21/89).

Contractor/Supervisor (contingent from 7/21/89).

(64)(a) *Training Provider:* S.G. Brown, Inc.

Address: 2701 Sonic Dr., Virginia Beach, VA 23456, Contact: Sandra A. Akers, Phone: (804) 468-0027.

(b) *Approved Course:*

Abatement Worker (contingent from 7/12/88).

(65)(a) *Training Provider:* STI, Inc.

Address: P.O. Box 1029, Aberdeen, MD 21001, Contact: Terry F. Carraway, Jr., Phone: (301) 575-7844.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/19/88).

Abatement Worker Refresher Course (contingent from 12/29/88).

Contractor/Supervisor (contingent from 7/19/88).

Contractor/Supervisor Refresher Course (contingent from 12/29/88).

Inspector/Management Planner (contingent from 12/15/88).

Inspector/Management Planner Refresher Course (contingent from 10/30/89).

(66)(a) *Training Provider:* STIC Corporation.

Address: Box 347, Wilkes-Barre, PA 18703, Contact: Ed Barrett, Phone: (717) 829-3614.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 4/7/89).

(67)(a) *Training Provider:* Safety Management Institute.



Address: P.O. Box 1844, Altoona, PA 16603, Contact: Christopher Tate, Phone: (814) 946-1221.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/6/88).

Abatement Worker (full from 8/3/88).

Abatement Worker (Approval Suspended 10/2/89).

Abatement Worker Refresher Course (contingent from 2/8/89).

Abatement Worker Refresher Course (Approval Suspended 10/2/89).

Contractor/Supervisor (contingent from 1/6/88).

Contractor/Supervisor (full from 8/8/88).

Contractor/Supervisor (Approval Suspended 10/2/89).

Contractor/Supervisor Refresher Course (contingent from 2/8/89).

Contractor/Supervisor Refresher Course (Approval Suspended 10/2/89).

Inspector/Management Planner (contingent from 2/4/88).

Inspector/Management Planner (full from 2/8/88).

Inspector/Management (Approval Suspended 10/2/89).

Inspector/Management Planner Refresher Course (contingent from 2/8/89).

Inspector/Management Refresher Course (Approval Suspended 10/2/89).

(68)(a) *Training Provider:* Schneider Engineers.

Address: 98 Vanadium Rd., Bridgeville, PA 15017, Contact: Amy Couch Shultz, Phone: (412) 221-1100.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/22/89).

Abatement Worker Refresher Course (contingent from 4/20/89).

Contractor/Supervisor (contingent from 2/22/89).

Contractor/Supervisor Refresher Course (contingent from 4/20/89).

Inspector/Management Planner (contingent from 2/22/89).

Inspector/Management Planner Refresher Course (contingent from 4/20/89).

(69)(a) *Training Provider:* Temple University College of Engineering Asbestos Abatement Center.

Address: 12th & Norris Sts., Philadelphia, PA 19122, Contact: Lester Levin, Phone: (215) 787-6479.

(b) *Approved Courses:*

Abatement Worker (full from 10/21/87).

Contractor/Supervisor (contingent from 9/28/87).

Contractor/Supervisor (full from 10/1/87).

Inspector/Management Planner (full from 10/13/87).

Inspector/Management Planner Refresher Course (full from 12/19/88).  
Project Designer (contingent from 3/20/89).

(70)(a) *Training Provider:* Tetra Services, Inc.

Address: Pleasant Valley Rd., P.O. Box 295A, Trafford, PA 15085, Contact: Dominic R. Medure, Phone: (412) 744-3377.

(b) *Approved Course:*

Abatement Worker (contingent from 4/20/89).

(71)(a) *Training Provider:* The Glaser Co.

Address: 200 Kanawha Ter., St. Albans, WV 25177, Contact: Stephen P. Glaser, Phone: (304) 722-2832.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).

Contractor/Supervisor (contingent from 4/6/89).

(72)(a) *Training Provider:* The J.O.B.S. Company.

Address: P.O. Box 3763, Charleston, WV 25337, Contact: Ann Hyre, Phone: (304) 344-0048.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/28/89).

Contractor/Supervisor (contingent from 5/25/89).

(73)(a) *Training Provider:* Tracor Jitco, Inc.

Address: 1601 Research Blvd., Rockville, MD 20850, Contact: Daniel O. Chute, Phone: (301) 984-2718.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).

Contractor/Supervisor (contingent from 1/4/89).

Inspector/Management Planner (contingent from 1/4/89).

(74)(a) *Training Provider:* United Environmental Systems, Inc.

Address: 104-106 Arch St., Philadelphia, PA 19106, Contact: Michael Yaron, Phone: (215) 829-9454.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/3/88).

Contractor/Supervisor (contingent from 8/30/88).

Inspector/Management Planner (contingent from 7/8/88).

(75)(a) *Training Provider:* University of Pittsburgh Graduate School of Public Health.

Address: Dept. of Industrial Environmental, Health Sciences, Pittsburgh, PA 15261, Contact: Dietrich A. Weyel, Phone: (412) 624-3042.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/6/88).

Abatement Worker (full from 6/6/88).

Abatement Worker Refresher Course (contingent from 4/20/89).

Contractor/Supervisor (contingent from 3/6/88).

Contractor/Supervisor (full from 6/6/88).

Contractor/Supervisor Refresher Course (contingent from 4/20/89).

(76)(a) *Training Provider:* University of Scranton Technology Center.

Address: Scranton, PA 18510-2192, Contact: Jerome P. De Santo, Phone: (717) 961-4050.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 6/26/89).

(77)(a) *Training Provider:* Volz Environmental Services, Inc.

Address: 3010 William Pitt Way, Pittsburgh, PA 15238, Contact: Greg Ashman, Phone: (412) 826-3150.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/3/88).

Abatement Worker (full from 1/23/89).

Abatement Worker Refresher Course (contingent from 4/20/89).

Contractor/Supervisor (contingent from 10/3/88).

Contractor/Supervisor (full from 1/23/89).

Contractor/Supervisor Refresher Course (contingent from 4/20/89).

Inspector/Management Planner (contingent from 10/3/88).

Inspector/Management Planner Refresher Course (contingent from 4/20/89).

Project Designer (contingent from 9/1/89).

(78)(a) *Training Provider:* Waco, Inc.

Address: Highway 925, N, P.O. Box 759, Waldorf, MD 20601, Contact: Wayne Cooper, Phone: (301) 843-2488.

(b) *Approved Courses:*

Abatement Worker (full from 9/15/87).

Abatement Worker Refresher Course (contingent from 8/12/88).

Contractor/Supervisor (full from 9/15/87).

Contractor/Supervisor Refresher Course (contingent from 3/1/89).

Inspector/Management Planner Refresher Course (contingent from 3/11/88).

(79)(a) *Training Provider:* West Virginia Laborers Training Trust Fund.

Address: One Monogalia St., Charleston, WV 25302, Contact: Wetzel Harvey, Phone: (304) 346-0581.

(b) *Approved Course:*



Abatement Worker (contingent from 8/29/88).

(80)(a) *Training Provider:* West Virginia University Extension Service. Address: 704 Knapp Hall, P.O. Box 6031, Morgantown, WV 26506-6031. Contact: Robert L. Moore, Phone: (304) 293-4013.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/20/88).

Abatement Worker Refresher Course (contingent from 11/2/89).

Contractor/Supervisor (contingent from 10/20/88).

Contractor/Supervisor Refresher Course (contingent from 11/2/89).

Inspector/Management Planner (contingent from 5/9/88).

Inspector/Management Planner Refresher Course (contingent from 4/20/89).

Inspector/Management Planner Refresher Course (full from 4/26/89).

(81)(a) *Training Provider:* White Lung Association.

Address: 1114 Cathedral St., Baltimore, MD 21201. Contact: James Fite, Phone: (301) 727-6029.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/18/88).

Abatement Worker (full from 6/6/88).

Abatement Worker Refresher Course (contingent from 2/23/89).

Contractor/Supervisor (contingent from 2/18/88).

Contractor/Supervisor (full from 6/6/88).

Contractor/Supervisor Refresher Course (contingent from 2/23/89).

Inspector/Management Planner (contingent from 1/4/88).

Inspector/Management Planner (full from 2/15/88).

Inspector/Management Planner Refresher Course (contingent from 12/29/88).

(82)(a) *Training Provider:* William L. James Enterprises, Inc.

Address: P.O. Box 1478, Scranton, PA 18501-1478. Contact: William L. James, Phone: (717) 344-5830.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/20/88).

Contractor/Supervisor (contingent from 4/20/88).

*EPA-Approved Training Courses*

*REGION IV -- Atlanta, GA*

*Regional Asbestos Coordinator:* Liz Wilde, EPA, Region IV, 345 Courtland St., NE, (4APT-PT), Atlanta, GA 30365. (404) 347-5014, (FTS) 257-5014.

*List of Approved Courses:* The following training courses have been

approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region IV training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* A.S.C. Consultants, Inc.

Address: P.O. Box 31, Waynesville, NC 28786. Contact: Terry LaDuke, Phone: (704) 452-3449.

(b) *Approved Course:*

Abatement Worker (contingent from 6/22/89).

(2)(a) *Training Provider:* AHP Research, Inc.

Address: 1502 Johnsons Ferry Rd., Atlanta, GA 30362. Contact: Dwight Brown, Phone: (404) 565-0061.

(b) *Approved Courses:*

Contractor/Supervisor Refresher Course (contingent from 1/6/89).

Inspector/Management Planner (interim from 5/28/86 to 12/13/87).

Inspector/Management Planner (full from 12/14/87).

(3)(a) *Training Provider:* ATEC Associates, Inc.

Address: 129 West Valley Ave., Birmingham, AL 35209-3691. Contact: W. David Yates, Phone: (205) 945-9224.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/14/89).

Contractor/Supervisor (contingent from 4/14/89).

Inspector/Management Planner (contingent from 4/14/89).

(4)(a) *Training Provider:* ATI Environmental Services.

Address: P.O. Box 3044, Louisville, KY 40201. Contact: Tim Ellis, Phone: (502) 589-5308.

(b) *Approved Courses:*

Abatement Worker (full from 1/12/88).

Abatement Worker Refresher Course (contingent from 2/21/89).

Contractor/Supervisor (full from 1/12/88).

Contractor/Supervisor Refresher Course (contingent from 2/21/89).

(5)(a) *Training Provider:* All Gulf Contractors, Inc.

Address: 3654 Halls Mill Rd., Mobile, AL 36693. Contact: Robert Pettie, Phone: (205) 665-5199.

(b) *Approved Course:*

Abatement Worker (contingent from 2/22/89).

(6)(a) *Training Provider:* American Environmental Safety Institute.

Address: P.O. Box 212116, Columbia, SC 29221-2116. Contact: Kim Cleveland, Phone: (803) 731-2986.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/29/89).

Abatement Worker Refresher Course (contingent from 12/16/88).

Contractor/Supervisor (full from 10/17/88).

Contractor/Supervisor Refresher Course (contingent from 12/16/88).

Inspector/Management Planner (full from 2/8/89).

(7)(a) *Training Provider:* Arch Training Services, Inc.

Address: Hotel Royal Plaza, P.O. Box 22203, Lake Buena Vista, FL 32830-2203. Contact: Arleen Folkes Goldberg, Phone: (407) 827-3985.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/2/89).

Contractor/Supervisor (contingent from 3/2/89).

Inspector/Management Planner (contingent from 3/2/89).

(8)(a) *Training Provider:* Asbestos Abatement Associates, Inc.

Address: P.O. Box 8178, Spartanburg, SC 29303. Contact: Otey Reynolds, Phone: (803) 582-1222.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/17/89).

Abatement Worker (full from 6/26/89).

Contractor/Supervisor (contingent from 3/7/89).

Contractor/Supervisor (full from 9/15/89).

(9)(a) *Training Provider:* Asbestos Consultants, Inc.

Address: P.O. Box 9054, Greensboro, NC 27408. Contact: Thomas Petty, Phone: (919) 275-3907.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 3/9/88).

(10)(a) *Training Provider:* Asbestos Consulting & Training Systems.

Address: 903 Northwest 6th Ave., Ft. Lauderdale, FL 33311. Contact: James F. Stump, Phone: (305) 524-7208.

(b) *Approved Courses:*

Abatement Worker (full from 5/8/88).

Contractor/Supervisor (contingent from 2/22/89).

(11)(a) *Training Provider:* Asbestos Technical Resource Center, Inc.

Address: P.O. Box 2755, Covington, GA 30209-2755. Contact: Timothy E. Fuller, Phone: (404) 361-9182.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/2/89).

Abatement Worker Refresher Course (full from 6/7/89).



Contractor/Supervisor (contingent from 6/2/89).

Contractor/Supervisor (full from 8/10/89).

Contractor/Supervisor Refresher Course (full from 6/7/89).

(12)(a) *Training Provider:* Atlantic Environmental Consulting, Inc.

Address: 12200 Southwest 132 Ct., Miami, FL 33186, Contact: Stephan R. Schanamann, Phone: (305) 232-6364.

(b) *Approved Course:*

Abatement Worker (contingent from 8/11/88).

(13)(a) *Training Provider:* BCM Engineers, Inc.

Address: 108 St. Anthony St., P.O. Box 1784, Mobile, AL 36633, Contact: H. Conrad Freeman, Phone: (205) 433-3981.

(b) *Approved Courses:*

Inspector/Management Planner (full from 11/11/87).

Inspector/Management Planner Refresher Course (contingent from 11/10/88).

Project Designer (full from 12/8/87).

Project Designer Refresher Course (contingent from 5/4/89).

(14)(a) *Training Provider:* Betchel Construction, Inc.

Address: P.O. Box 3218, Florida City, FL 33034, Contact: R.C. Slover, Phone: (305) 246-6565.

(b) *Approved Course:*

Abatement Worker (contingent from 3/13/89).

(15)(a) *Training Provider:* Big Bend Abatement, Inc.

Address: 3542 West Orange Ave., Tallahassee, FL 32310, Contact: Robert Law, Phone: (904) 576-0130.

(b) *Approved Course:*

Abatement Worker (contingent from 4/28/89).

(16)(a) *Training Provider:* Briggs Associates Int'l. Inc.

Address: 4209 Vineland Rd., Suites J-9/10, Orlando, FL 32811, Contact: Jim McCulloch, Phone: (407) 422-3522.

(b) *Approved Course:*

Abatement Worker (contingent from 5/4/89).

(17)(a) *Training Provider:* CRU Incorporated.

Address: 13029 Middletown Industrial Blvd., Louisville, KY 40223, Contact: Donna Ringo, Phone: (502) 244-8844.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/1/89).

Contractor/Supervisor (contingent from 5/1/89).

Inspector/Management Planner (contingent from 5/26/89).

(18)(a) *Training Provider:* DPC General Contractors, Inc.

Address: 250 Arizona Ave., NE, Bldg. A, Atlanta, GA 30307, Contact: Glen Kahler, Phone: (404) 373-0561.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/5/88).

Abatement Worker (full from 5/9/88).

(19)(a) *Training Provider:* EEC, Inc.

Address: 2245 North Hills Dr., Suite J, Raleigh, NC 27612, Contact: Mike Shrimanker, Phone: (919) 782-8910.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/7/89).

Abatement Worker Refresher Course (contingent from 5/3/89).

(20)(a) *Training Provider:* ELB & Associates, Inc.

Address: 605 Eastowne Dr., Chapel Hill, NC 27514, Contact: Michael L. Cannon, Phone: (919) 493-4471.

(b) *Approved Course:*

Abatement Worker (contingent from 6/30/88).

(21)(a) *Training Provider:* Energy Support Services, Inc.

Address: P.O. Box 6098, Asheville, NC 28816, Contact: Edward T. Rochelle, Phone: (704) 258-8888.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 3/5/89).

(22)(a) *Training Provider:* Enpuricon Asbestos Management.

Address: 6308 - D Angus Dr., Raleigh, NC 27613, Contact: Terry E. Slate, Phone: (919) 781-0886.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/11/89).

Contractor/Supervisor (contingent from 2/6/89).

(23)(a) *Training Provider:* Enviro Science, Inc.

Address: 3509 Hayworth Dr., Raleigh, NC 27609, Contact: Reginald C. Jordan, Phone: (919) 782-6527.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 9/15/88).

(24)(a) *Training Provider:* Enviro-Tech.

Address: 550 Comet St., No. 16, P.O. Box 6752, Jacksonville, FL 32236, Contact: Rafael Abrev, Phone: (904) 384-0732.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/28/89).

Contractor/Supervisor (contingent from 7/11/89).

(25)(a) *Training Provider:* Environmental Aspects, Inc.

Address: 1527 North Dale Mabry Hwy., Suite 105, Lutz, FL 33549-3010, Contact: Dennis L. Mast, Phone: (813) 948-1387.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/22/89).

Abatement Worker (full from 7/7/89).

Abatement Worker Refresher Course (contingent from 7/18/89).

Contractor/Supervisor (contingent from 4/14/89).

Inspector/Management Planner (contingent from 6/30/89).

(26)(a) *Training Provider:* Environmental Control Systems.

Address: 2720 Frankfort Ave., Louisville, KY 40206, Contact: William A. Sadler, Phone: (502) 896-1245.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 8/10/89).

(27)(a) *Training Provider:*

Environmental Engineering Co., Inc.

Address: 500 Rivermont Rd., Columbia, SC 29210, Contact: Russell Richard, Phone: (803) 256-7846.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/17/89).

Abatement Worker (full from 9/22/89).

Abatement Worker Refresher Course (contingent from 9/28/89).

Contractor/Supervisor (contingent from 2/17/89).

Contractor/Supervisor Refresher Course (contingent from 9/28/89).

(28)(a) *Training Provider:*

Environmental Resources Group.

Address: 3845 Viscount, Memphis, TN 38118, Contact: Lee C. Thompson, Phone: (901) 795-0432.

(b) *Approved Course:*

Abatement Worker (contingent from 11/14/88).

(29)(a) *Training Provider:* Evans Environmental & Geological Science & Management, Inc.

Address: 2631 Southwest 27 St., Miami, FL 33133, Contact: Charles Evans, Phone: (305) 856-7458.

(b) *Approved Course:*

Abatement Worker (contingent from 1/31/89).

(30)(a) *Training Provider:* Fayetteville Technical Community College.

Address: P.O. Box 35236, Fayetteville, NC 28303, Contact: John McNeill, Phone: (919) 323-1961.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/1/89).



Contractor/Supervisor (contingent from 5/1/89).

(31)(a) *Training Provider:* Georgia Tech. Institute.

Address: O'Keefe Building, Room 029, Atlanta, GA 30332, Contact: Robert D. Schmitter, Phone: (404) 894-3806.

(b) *Approved Courses:*

Contractor/Supervisor (interim from 6/1/85 to 5/10/87).

Contractor/Supervisor (full from 5/11/87).

Contractor/Supervisor Refresher Course (contingent from 9/23/87).

Contractor/Supervisor Refresher Course (full from 7/7/88).

Inspector/Management Planner (full from 10/19/87).

Inspector/Management Planner Refresher Course (contingent from 10/24/88).

Inspector/Management Planner Refresher Course (full from 11/29/88).

Project Designer (contingent from 6/1/88).

Project Designer (full from 6/7/88).

Project Designer Refresher Course (contingent from 1/31/89).

Project Designer Refresher Course (full from 3/22/89).

(32)(a) *Training Provider:* Great Barrier Insulation Co.

Address: Meador Warehouse, Western Dr., Mobile, AL 36607, Contact: Thomas Knotts, Phone: (205) 476-0350.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/13/88).

Abatement Worker (full from 4/4/89).

Abatement Worker Refresher Course (contingent from 3/30/89).

(33)(a) *Training Provider:* Harmon Engineering Associates.

Address: 1550 Pumphrey Ave., Auburn, AL 36830, Contact: Roger W. Thompson, Phone: (205) 821-9250.

(b) *Approved Course:*

Abatement Worker (contingent from 1/4/89).

(34)(a) *Training Provider:* Harrison Contracting, Inc.

Address: 3845 Viscount St., Suite 12, Memphis, TN 38118, Contact: Lee C. Thompson, Phone: (901) 795-0432.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/88).

Abatement Worker (full from 10/12/88).

(35)(a) *Training Provider:* Howard I. Henson Training Institute.

Address: 3592 Flat Shoals Rd., Decatur, GA 30034, Contact: Stephen Henson, Phone: (404) 243-5107.

(b) *Approved Course:*

Abatement Worker (full from 2/16/88).

(36)(a) *Training Provider:* International Association Heat & Frost Insulators & Asbestos Workers Local Union No. 13.

Address: 145 East First St., Jacksonville, FL 32206, Contact: Tom Mallard, Phone: (904) 355-4881.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/23/89).

Abatement Worker Refresher Course (contingent from 1/23/89).

Contractor/Supervisor (contingent from 1/23/89).

Contractor/Supervisor (full from 4/24/89).

Contractor/Supervisor Refresher Course (contingent from 1/23/89).

(37)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 46.

Address: 7111 Wright Rd., Knoxville, TN 37931, Contact: John Wade, Phone: (615) 938-1274.

(b) *Approved Courses:*

Abatement Worker (full from 10/11/88).

Abatement Worker Refresher Course (contingent from 8/16/89).

Contractor/Supervisor (full from 1/9/89).

Contractor/Supervisor Refresher Course (contingent from 10/11/88).

Contractor/Supervisor Refresher Course (full from 1/9/89).

(38)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 48.

Address: 374 Maynard Terrace, SE, Suite 232, Atlanta, GA 30316, Contact: Timothy Fuller, Phone: (404) 373-9866.

(b) *Approved Courses:*

Abatement Worker (full from 5/4/88).

Contractor/Supervisor (full from 6/27/88).

Contractor/Supervisor Refresher Course (full from 11/2/88).

Inspector (contingent from 9/26/88).

Inspector (full from 9/28/88).

(39)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 60.

Address: 13000 Northwest 47th Ave., Miami, FL 33054, Contact: David Cleveland, Phone: (305) 681-0679.

(b) *Approved Courses:*

Abatement Worker (full from 11/15/88).

Contractor/Supervisor (full from 12/12/88).

(40)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 67.

Address: 7930 U.S. Hwy. 301 N, Tampa, FL 33637, Contact: Don Tucker, Phone: (813) 985-3067.

(b) *Approved Courses:*

Abatement Worker (full from 8/23/89).

Contractor/Supervisor (full from 11/29/88).

(41)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 72.

Address: 2513 Adams St., Wilmington, NC 28401, Contact: Mike Harrell, Phone: (919) 343-1730.

(b) *Approved Course:*

Abatement Worker (full from 8/10/88).

(42)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 78.

Address: 600 Main St., Gardendale, AL 35071, Contact: Bill Boothe, Phone: (205) 631-4640.

(b) *Approved Courses:*

Abatement Worker (full from 10/25/88).

Contractor/Supervisor Refresher Course (full from 5/17/89).

(43)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 86.

Address: 4822 Charlotte Ave., Nashville, TN 37209, Contact: Don Cundiff, Phone: (615) 297-7127.

(b) *Approved Courses:*

Abatement Worker (full from 7/10/89).

Contractor/Supervisor (full from 7/10/89).

(44)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 96.

Address: P.O. Box 508, Pooler, GA 31322, Contact: Mr. Hutcherson, Phone: (912) 748-6282.

(b) *Approved Courses:*

Abatement Worker (full from 7/26/88).

Abatement Worker Refresher Course (full from 8/17/89).

Contractor/Supervisor (full from 9/13/88).

(45)(a) *Training Provider:* Kentucky Laborers Training Trust Fund.

Address: US 127 Bypass South, P.O. Box 208, Lawrenceburg, KY 40342, Contact: David Vinson, Phone: (502) 839-3155.

(b) *Approved Course:*

Abatement Worker (contingent from 1/10/89).

(46)(a) *Training Provider:* LCI Training Institute.



Address: 1432 Jocasta Dr., Lexington, KY 40502-5320, Contact: John F. Summersett, Phone: (606) 273-8881.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/9/88).

Contractor/Supervisor (contingent from 6/9/88).

(47)(a) *Training Provider:* Laborers District Council of Southeast Florida.

Address: 799 Northwest 62nd St., Miami, FL 33510, Contact: Albert Houston, Phone: (305) 754-2659.

(b) *Approved Course:*

Abatement Worker (full from 3/15/88).

(48)(a) *Training Provider:* Lang Engineering of Florida, Inc.

Address: 5432 Commerce Park Blvd., Tampa, FL 33610, Contact: Robert Lang, Phone: (813) 622-8311.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/17/89).

Abatement Worker Refresher Course (contingent from 8/9/89).

(49)(a) *Training Provider:* Law Engineering, Inc.

Address: 7616 Southland Blvd., Suite 110, Orlando, FL 32809, Contact: Diana Rigdon, Phone: (407) 855-8740.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/1/89).

Contractor/Supervisor (contingent from 9/1/89).

(50)(a) *Training Provider:* Mississippi State University Dept. of Continuing Education.

Address: Memorial Hall-Bar Ave., P.O. Drawer 5247, Mississippi State, MS 39762-5247, Contact: Margaret V. Naugle, Phone: (601) 325-2677.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).

Contractor/Supervisor (contingent from 7/19/88).

Contractor/Supervisor (full from 6/29/89).

Contractor/Supervisor Refresher Course (contingent from 5/26/89).

Inspector/Management Planner (full from 6/20/88).

Inspector/Management Planner Refresher Course (contingent from 5/26/89).

Project Designer (contingent from 12/15/88).

Project Designer Refresher Course (contingent from 5/26/89).

(51)(a) *Training Provider:* Mur-Shel, Inc. Asbestos Abatement.

Address: 1038 Grace Ave., Panama City, FL 32401, Contact: Lois Shelton, Phone: (904) 763-2010.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 9/1/89).

(52)(a) *Training Provider:* National Asbestos Council (NAC) Training Dept.

Address: 1777 Northeast Expressway, Suite 150, Atlanta, GA 30329, Contact: Zachary S. Cowan, III, Phone: (404) 633-2622.

(b) *Approved Courses:*

Abatement Worker (interim from 7/1/86 to 6/1/87).

Abatement Worker (full from 7/1/87).

Abatement Worker Refresher Course (contingent from 2/8/89).

(53)(a) *Training Provider:* National Monitoring Labs, Inc.

Address: 1400 North 46th St., Suite V-28, Tampa, FL 33613, Contact: Gil Rakshi, Phone: (800) 347-3414.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 4/14/89).

Contractor/Supervisor Refresher Course (contingent from 5/23/89).

Inspector/Management Planner (contingent from 4/14/89).

Inspector/Management Planner Refresher Course (contingent from 5/23/89).

(54)(a) *Training Provider:* PDR Engineers, Inc.

Address: 2000 Lindell Ave., Nashville, TN 37203, Contact: Ayaja K. Upaphyaya, Phone: (615) 298-2065.

(b) *Approved Course:*

Inspector (contingent from 9/15/88).

(55)(a) *Training Provider:* Practical Environmental Training Institute.

Address: P.O. Box 26308, Charlotte, NC 28221-6308, Contact: Dianne Christenbery, Phone: (704) 598-9588.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/20/88).

Abatement Worker (full from 10/24/88).

Contractor/Supervisor (contingent from 1/17/89).

Contractor/Supervisor (full from 3/20/89).

(56)(a) *Training Provider:* Republic Industries, Inc.

Address: P.O. Box 5565, Station 1, Wilmington, NC 28403, Contact: Gerry Phelps, Phone: (919) 799-2664.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/23/89).

Contractor/Supervisor (contingent from 9/22/89).

Contractor/Supervisor Refresher Course (contingent from 6/5/89).

(57)(a) *Training Provider:* Retra Services, Inc.

Address: 1730 U.S. Alt. 19 South, Suite H, Tarpon Springs, FL 34689, Contact: Phillip Paroff, Phone: (800) 548-5848.

(b) *Approved Courses:*

Abatement Worker (full from 1/24/89).

Abatement Worker Refresher Course (contingent from 12/29/88).

Abatement Worker Refresher Course (full from 1/24/89).

(58)(a) *Training Provider:* South Carolina Research & Training Center.

Address: 300 Gervais St., Annex III, Columbia, SC 29201, Contact: Jan Temple, Phone: (803) 737-2060.

(b) *Approved Courses:*

Contractor/Supervisor (full from 3/8/88).

Inspector/Management Planner (full from 3/1/88).

(59)(a) *Training Provider:* Southeast Asbestos Free Environments, Inc.

Address: 350 South Second Ave., P.O. Box 51267, Jacksonville Beach, FL 32250, Contact: Jim Ilardi, Phone: (904) 723-3568.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).

Contractor/Supervisor (contingent from 1/18/89).

(60)(a) *Training Provider:* Technical Abatement Service, Inc.

Address: 897 East Lemon St., Bartow, FL 33830, Contact: John W. Pery, Phone: (813) 533-0885.

(b) *Approved Course:*

Abatement Worker (contingent from 6/21/89).

(61)(a) *Training Provider:* Tennessee Environmental Services.

Address: 1804 Williamson Ct., Brentwood, TN 37027, Contact: Claire Badan, Phone: (615) 373-8792.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/26/89).

Contractor/Supervisor (contingent from 5/26/89).

(62)(a) *Training Provider:* The Environmental Institute.

Address: COBB Corporate Center/300, 350 Franklin Rd., Marietta, GA 30067, Contact: Eva Clay, Phone: (404) 425-2000.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/10/87).

Abatement Worker (full from 5/2/88).

Contractor/Supervisor (contingent from 12/10/87).

Contractor/Supervisor (full from 2/1/88).



Contractor/Supervisor Refresher Course  
(full from 5/19/88).

Inspector/Management Planner  
(contingent from 12/10/87).

Inspector/Management Planner (full  
from 1/25/88).

Inspector/Management Planner  
Refresher Course (full from 11/8/88).

Project Designer (contingent from 2/5/  
88).

Project Designer (full from 2/9/88).

Project Designer Refresher Course  
(contingent from 4/17/89).

(63)(a) *Training Provider:* University  
of Alabama, Tuscaloosa College of  
Continuing Studies, Division of Envir. &  
Industrial Prog.

Address: P.O. Box 2967, Tuscaloosa, AL  
35486-2967, Contact: William Weems,  
Phone: (205) 348-3033.

(b) *Approved Courses:*

Abatement Worker (full from 4/5/88).

Contractor/Supervisor (full from 12/14/  
87).

Inspector/Management Planner (full  
from 5/16/88).

(64)(a) *Training Provider:* University  
of Alabama-Birmingham Deep South  
Center.

Address: Birmingham, AL 35294,  
Contact: Elizabeth Lynch, Phone: (205)  
934-7032.

(b) *Approved Courses:*

Inspector/Management Planner  
(contingent from 3/21/88).

Inspector/Management Planner (full  
from 3/21/88).

Inspector/Management Planner  
Refresher Course (contingent from 3/  
3/89).

(65)(a) *Training Provider:* University  
of Florida TREEO Center.

Address: 3900 Southwest 63rd Blvd.,  
Gainesville, FL 32608, Contact: Peggy  
Cook-Holland, Phone: (904) 392-9470.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/  
12/88).

Contractor/Supervisor (interim from 2/  
9/87 to 4/30/87).

Contractor/Supervisor (full from 5/1/  
87).

Contractor/Supervisor Refresher Course  
(contingent from 1/17/89).

Inspector/Management Planner (interim  
from 1/27/87 to 12/14/87).

Inspector/Management Planner  
(contingent from 2/5/88).

Inspector/Management Planner (full  
from 2/15/88).

(66)(a) *Training Provider:* University  
of Kentucky, College of Engineering  
Continuing Education.

Address: 305 Slone Bldg., Lexington, KY  
40506-0053, Contact: A.B. Broderson,  
Phone: (606) 257-4300.

(b) *Approved Courses:*

Abatement Worker Refresher Course  
(contingent from 3/30/89).

Contractor/Supervisor Refresher Course  
(contingent from 5/24/89).

Inspector Refresher Course (contingent  
from 3/3/89).

Inspector/Management Planner (full  
from 2/15/88).

(67)(a) *Training Provider:* University  
of North Carolina Occupational Safety &  
Health Educational Resource Center.

Address: 109 Conner Dr., Suite 1101,  
Chapel Hill, NC 27514, Contact: Ted  
Williams, Phone: (919) 962-2101.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from  
6/1/88).

Contractor/Supervisor (full from 6/6/  
88).

Contractor/Supervisor Refresher Course  
(contingent from 6/7/89).

Inspector/Management Planner  
(contingent from 11/9/87).

Inspector/Management Planner (full  
from 11/9/87).

Inspector/Management Planner  
Refresher Course (contingent from 12/  
15/88).

Project Designer (contingent from 5/2/  
89).

Project Designer Refresher Course  
(contingent from 6/22/89).

(68)(a) *Training Provider:* University  
of North Florida Division of Continuing  
Education & Extension Environmental  
Ed. & Safety Institute.

Address: 4567 St. Johns Bluff Rd., South  
Jacksonville, FL 32216, Contact:  
Herbert E. Carter, Phone: (904) 646-  
2502.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/  
1/89).

Contractor/Supervisor (contingent from  
9/1/89).

Inspector/Management Planner  
(contingent from 9/1/89).

(69)(a) *Training Provider:* University  
of South Carolina School of Public  
Health c/o Azimuth Inc.

Address: 9229 University Blvd.,  
Charleston, SC 29418, Contact: Betty  
Schnee, Phone: (803) 553-9458.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/  
9/89).

Contractor/Supervisor (contingent from  
5/5/89).

Contractor/Supervisor (full from 8/21/  
89).

Contractor/Supervisor Refresher Course  
(contingent from 5/24/89).

(70)(a) *Training Provider:* University  
of South Carolina Medical MUSC) Dept.  
of Environmental Health.

Address: 171 Ashley Ave., Charleston,  
SC 29425, Contact: Jan Temple, Phone:  
(803) 792-5315.

(b) *Approved Courses:*

Abatement Worker (full from 12/19/88).

Abatement Worker Refresher Course  
(contingent from 2/2/89).

Contractor/Supervisor Refresher Course  
(contingent from 2/2/89).

Contractor/Supervisor Refresher Course  
(full from 5/3/89).

Inspector/Management Planner  
Refresher Course (contingent from 2/  
2/89).

Inspector/Management Planner  
Refresher Course (full from 5/2/89).

(71)(a) *Training Provider:* WESTON,  
INC.

Address: 1635 Pumphrey Ave., Auburn,  
AL 36830-4303, Contact: Ronald  
Thompson, Phone: (205) 826-6100.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/  
13/88).

Contractor/Supervisor (contingent from  
10/13/88).

Contractor/Supervisor (full from 5/15/  
89).

Contractor/Supervisor Refresher Course  
(contingent from 1/31/89).

Contractor/Supervisor Refresher Course  
(full from 9/25/89).

Inspector/Management Planner  
(contingent from 5/13/88).

Inspector/Management Planner (full  
from 9/27/89).

Inspector/Management Planner  
Refresher Course (contingent from 12/  
15/88).

Project Designer (contingent from 8/23/  
88).

Project Designer Refresher Course  
(contingent from 1/31/89).

Project Designer Refresher Course (full  
from 9/26/89).

(72)(a) *Training Provider:*  
Westinghouse Environmental  
Geotechnical Services, Inc.

Address: 3100 Spring Forest Rd., Suite  
118, P.O. Box 58069, Raleigh, NC  
27658-8069, Contact: James R. Penland,  
Phone: (919) 872-2660.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/  
8/89).

Contractor/Supervisor (contingent from  
7/18/89).

(73)(a) *Training Provider:* Williams &  
Associates, Inc. Environmental Training  
Center.

Address: 460 Tennessee St., Memphis,  
TN 38103, Contact: Ruth Williams,  
Phone: (901) 521-9030.

(b) *Approved Courses:*



Abatement Worker (contingent from 2/18/88).  
 Abatement Worker (full from 4/18/88).  
 Abatement Worker Refresher Course (contingent from 5/1/89).  
 Contractor/Supervisor (contingent from 2/18/88).  
 Contractor/Supervisor (full from 4/18/88).  
 Contractor/Supervisor Refresher Course (contingent from 5/1/89).

#### *EPA-Approved Training Courses*

##### *REGION V -- Chicago, IL*

*Regional Asbestos Coordinator:*  
 Anthony Restaino, EPA, Region V, 230 S. Dearborn St., (5-SPT-7), Chicago, IL 60604. (312) 886-6003, (FTS) 886-6003.

*List of Approved Courses:* The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region V training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* Abatement Training Institute, Inc.

Address: P.O. Box 26835, Columbus, OH 43226-0835, Contact: Steven Ritchie, Phone: (614) 267-0908.

#### *(b) Approved Courses:*

Abatement Worker (contingent from 3/1/88).

Abatement Worker Refresher Course (contingent from 4/25/89).

(2)(a) *Training Provider:* Advanced Mechanical Insulation, Inc.

Address: 205 West Randolph St., Suite 1050, Chicago, IL 60606, Contact: Jeffery M. Bertrand, Phone: (312) 704-9494.

#### *(b) Approved Courses:*

Abatement Worker (contingent from 3/2/89).

Contractor/Supervisor (contingent from 3/2/89).

(3)(a) *Training Provider:* Affiliated Environmental Services, Inc.

Address: 3606 Venice Rd., Sandusky, OH 44870, Contact: Jack Dauch, Phone: (419) 627-1976.

#### *(b) Approved Courses:*

Abatement Worker (contingent from 7/14/88).

Abatement Worker (full from 10/24/88).

Abatement Worker Refresher Course (contingent from 2/2/89).

Contractor/Supervisor (contingent from 12/29/88).

Contractor/Supervisor (full from 2/27/89).

Contractor/Supervisor Refresher Course (contingent from 2/2/89).

Inspector/Management Planner (contingent from 5/30/89).

(4)(a) *Training Provider:* Alderink & Associates, Inc.

Address: 3221 Three Mile Rd., NW, Grand Rapids, MI 49504, Contact: Deborah C. Alderink, Phone: (616) 791-0730.

#### *(b) Approved Courses:*

Abatement Worker (contingent from 7/15/88).

Abatement Worker (full from 9/6/88).

Abatement Worker Refresher Course (contingent from 9/1/88).

Abatement Worker Refresher Course (full from 9/6/88).

Contractor/Supervisor (contingent from 7/15/88).

Contractor/Supervisor (full from 9/19/88).

Contractor/Supervisor Refresher Course (contingent from 12/1/88).

(5)(a) *Training Provider:* American Asbestos Institute, Inc. (Formerly Illinois Asbestos Council).

Address: Box 7418, Springfield, IL 62791, Contact: Douglas I. Gamble, Phone: (217) 523-5588.

#### *(b) Approved Courses:*

Abatement Worker (contingent from 3/29/89).

Abatement Worker (full from 8/14/89).

Abatement Worker Refresher Course (contingent from 8/31/89).

Contractor/Supervisor (contingent from 3/29/89).

Contractor/Supervisor Refresher Course (contingent from 9/11/89).

Inspector/Management Planner (contingent from 3/29/89).

Inspector/Management Planner Refresher Course (contingent from 9/11/89).

Project Designer Refresher Course (contingent from 9/19/89).

(6)(a) *Training Provider:* American Environmental Institute.

Address: Main Campus, Plaza West, Cleveland, OH 44116, Contact: Gary P. Block, Phone: (216) 333-6225.

#### *(b) Approved Courses:*

Abatement Worker (contingent from 12/15/88).

Abatement Worker Refresher Course (contingent from 12/8/88).

Contractor/Supervisor (contingent from 9/1/88).

Contractor/Supervisor Refresher Course (contingent from 12/6/88).

Inspector/Management Planner (contingent from 11/14/88).

(7)(a) *Training Provider:* American Industrial Hygiene Association.

Address: 475 Wolf Ledges Pkwy., Akron, OH 44311-1087, Contact: Mary Christ, Phone: (216) 762-7294.

#### *(b) Approved Course:*

Contractor/Supervisor (contingent from 2/23/89).

(8)(a) *Training Provider:* Applied Environmental Sciences, Inc.

Address: Minneapolis Business & Technology, Center, 511 11th Ave. S, Minneapolis, MN 55415, Contact: Franklin H. Dickson, Phone: (612) 339-5559.

#### *(b) Approved Courses:*

Abatement Worker (contingent from 6/30/88).

Abatement Worker Refresher Course (contingent from 3/16/89).

Contractor/Supervisor (contingent from 2/7/89).

Contractor/Supervisor Refresher Course (contingent from 3/16/89).

Inspector/Management Planner (contingent from 10/17/89).

Inspector/Management Planner Refresher Course (contingent from 10/16/89).

(9)(a) *Training Provider:* Aries Environmental Services, Ltd.

Address: 1550 Hubbard, Batavia, IL 60510, Contact: Dennis Cesarotti, Phone: (312) 879-3006.

#### *(b) Approved Courses:*

Abatement Worker (contingent from 6/13/88).

Abatement Worker Refresher Course (contingent from 1/18/89).

(10)(a) *Training Provider:* Asbestos Abatement, Inc.

Address: 2420 N. Grand River, Lansing, MI 48906, Contact: Shawn O'Callaghan, Phone: (517) 323-0053.

#### *(b) Approved Course:*

Abatement Worker (contingent from 7/6/88).

(11)(a) *Training Provider:* Asbestos Consulting Group, Inc.

Address: P.O. Box 3157, La Crosse, WI 54602-3157, Contact: Larry Lienau, Phone: (608) 782-1670.

#### *(b) Approved Courses:*

Contractor/Supervisor (contingent from 7/12/88).

Inspector/Management Planner (contingent from 10/14/88).

(12)(a) *Training Provider:* Asbestos Management, Inc.

Address: 36700 South Huron, Suite 104, New Boston, MI 48164, Contact: LaDonna Slifco, Phone: (313) 961-6135.

#### *(b) Approved Courses:*

Abatement Worker (contingent from 8/12/88).

Abatement Worker Refresher Course (contingent from 1/4/89).

Contractor/Supervisor (contingent from 8/18/87).



Inspector/Management Planner (contingent from 1/26/88).  
 Inspector/Management Planner (full from 2/1/88).  
 Inspector/Management Planner Refresher Course (contingent from 11/14/88).

(13)(a) *Training Provider:* Asbestos Professional Services, Inc.

Address: 501 North Second St., Breese, IL 62230, Contact: Donald T. Anderson, Phone: (618) 526-2742.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/13/89).  
 Abatement Worker Refresher Course (contingent from 10/9/89).  
 Contractor/Supervisor (contingent from 10/13/89).  
 Contractor/Supervisor Refresher Course (contingent from 10/9/89).

(14)(a) *Training Provider:* Asbestos Roofing Technology, Inc.

Address: P.O. Box 211, Lyons, IL 60534, Contact: Jay E. Refieuna, Phone: (312) 352-0400.

(b) *Approved Course:*

Abatement Worker (contingent from 4/13/89).

(15)(a) *Training Provider:* Asbestos Services, Inc.

Address: P.O. Box 141, Baroda, MI 49101, Contact: Dennis W. Calkins, Phone: (616) 422-2174.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).  
 Abatement Worker Refresher Course (contingent from 3/17/89).  
 Contractor/Supervisor (contingent from 8/12/88).  
 Contractor/Supervisor Refresher Course (contingent from 3/17/89).

(16)(a) *Training Provider:* Asbestos Technology & Training, Inc.

Address: 1186 Summit Ave., St. Paul, MN 55105, Contact: James D. Risimini, Phone: (612) 290-0342.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).  
 Abatement Worker Refresher Course (contingent from 2/7/89).  
 Contractor/Supervisor (contingent from 7/27/88).  
 Contractor/Supervisor Refresher Course (contingent from 2/7/89).  
 Inspector/Management Planner (contingent from 7/27/88).  
 Inspector/Management Planner Refresher Course (contingent from 2/7/89).

(17)(a) *Training Provider:* Asbestos Training & Employment, Inc. (ATEI).

Address: 809 East 11th St., Michigan City, IN 46360, Contact: Tom Dwyer, Phone: (219) 874-7348.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/15/88).

Abatement Worker (full from 5/18/88).  
 Abatement Worker Refresher Course (contingent from 12/11/88).

Contractor/Supervisor (contingent from 1/19/88).

Contractor/Supervisor (full from 6/20/88).

Contractor/Supervisor Refresher Course (contingent from 12/11/88).

Inspector/Management Planner (contingent from 5/13/88).

Inspector/Management Planner Refresher Course (contingent from 12/11/88).

(18)(a) *Training Provider:* Asbestos Workers Council.

Address: 1218 East McMillan St., Room 107, Cincinnati, OH 45206, Contact: Richard Black, Phone: (513) 221-5969.

(b) *Approved Course:*

Abatement Worker (contingent from 10/31/88).

(19)(a) *Training Provider:* Astesco Laboratory, Inc.

Address: P.O. Box 517, Cloverdale, IN 46120, Contact: Donald R. Allen, Phone: (317) 795-4724.

(b) *Approved Courses:*

Abatement Worker (full from 10/31/88).  
 Abatement Worker Refresher Course (contingent from 2/7/89).

Contractor/Supervisor (contingent from 2/23/89).

Contractor/Supervisor Refresher Course (contingent from 2/23/89).

(20)(a) *Training Provider:* BDN Industrial Hygiene Consultants.

Address: 8105 Valleywood Lane, Portage, MI 49002, Contact: Keith Nichols, Phone: (616) 329-1237.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/88).

Contractor/Supervisor (contingent from 10/1/87).

Contractor/Supervisor Refresher Course (contingent from 9/15/88).

Inspector/Management Planner (contingent from 1/15/88).

Inspector/Management Planner (full from 2/15/88).

(21)(a) *Training Provider:* Baker Midwest, Maple Grove, Minnesota.

Address: 10650 State Highway 152, Suite 112, Maple Grove, MN 55369, Contact: Joseph Reeves, Phone: (612) 493-2595.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/15/89).

Contractor/Supervisor (contingent from 6/15/89).

(22)(a) *Training Provider:* Ball State University.

Address: College of Sciences & Humanities, Department of Natural Resources, Muncie, IN 47306, Contact: Thad Godish, Phone: (317) 285-5780.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 3/30/89).

(23)(a) *Training Provider:* Bems Engineering, Inc.

Address: 18600 Northville Rd., Suite 200, Northville, MI 48167, Contact: Eugene L. Kunz, Phone: (313) 348-9167.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 12/29/88).

Contractor/Supervisor Refresher Course (contingent from 12/29/88).

Inspector (contingent from 1/18/89).

Inspector/Management Planner Refresher Course (contingent from 1/4/89).

Project Designer (contingent from 3/2/89).

(24)(a) *Training Provider:* Bierlein Demolition Contractors, Inc.

Address: 2903 South Graham Rd., Saginaw, MI 48608-8078, Contact: Harry T. Dryer, Jr., Phone: (517) 781-1810.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/7/89).

Contractor/Supervisor (contingent from 2/7/89).

(25)(a) *Training Provider:* Boelter Associates, Inc.

Address: 8700 W Bryn Mawr Ave., South Tower, Suite 401, Chicago, IL 60631, Contact: Philip Ramos, Phone: (312) 380-1070.

(b) *Approved Course:*

Contractor/Supervisor Refresher Course (contingent from 5/22/89).

(26)(a) *Training Provider:* Bonne Terre Training Services.

Address: P.O. Box 673, Tiffin, OH 44883, Contact: Timothy E. Blott, Phone: (419) 447-5091.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/13/89).

Abatement Worker Refresher Course (contingent from 10/12/89).

(27)(a) *Training Provider:* Bowling Green State University Environmental Health Program.

Address: 102 Health Center, Bowling Green, OH 43403-0280, Contact: Gary S. Silverman, Phone: (419) 372-7774.

(b) *Approved Course:*

Abatement Worker (contingent from 4/21/89).



(28)(a) *Training Provider:* Carnow, Conibear & Associates, Ltd.  
Address: 333 West Wacker Dr., Suite 1400, Chicago, IL 60606, Contact: Victoria Musselman, Phone: (312) 782-4486.

(b) *Approved Course:*  
Abatement Worker (full from 2/29/88).

(29)(a) *Training Provider:* Centin Corp.

Address: 6601 North Interchange Rd., Evansville, IN 47715, Contact: Dan Sanders, Phone: (812) 474-6220.

(b) *Approved Course:*  
Abatement Worker (contingent from 3/30/89).

(30)(a) *Training Provider:* Charles J. Ogg and Associates.

Address: P.O. Box 815, Newburgh, IN 47629-0815, Contact: Charles J. Ogg, Phone: (812) 853-7607.

(b) *Approved Courses:*  
Abatement Worker (contingent from 12/29/88).

Contractor/Supervisor (contingent from 5/1/89).

(31)(a) *Training Provider:* Clayton Environmental Consultants, Inc.

Address: 22345 Roethel Dr., Novi, MI 48050, Contact: Michael Coffman, Phone: (313) 344-1770.

(b) *Approved Courses:*  
Inspector/Management Planner (contingent from 1/26/88).  
Inspector/Management Planner (full from 2/16/88).

(32)(a) *Training Provider:* Cleveland Environmental Services, Inc.  
Address: P.O. Box 14643, Cincinnati, OH 45214, Contact: Eugene B. Rose, Phone: (513) 921-4143.

(b) *Approved Courses:*  
Abatement Worker (contingent from 1/18/89).  
Contractor/Supervisor (contingent from 4/21/89).

(33)(a) *Training Provider:* Cleveland Wrecking Co.  
Address: 1400 Harrison Ave., P.O. Box 145530, Cincinnati, OH 45214, Contact: Eugene B. Rose, Phone: (513) 921-1160.

(b) *Approved Courses:*  
Abatement Worker (contingent from 8/3/89).  
Abatement Worker Refresher Course (contingent from 8/3/89).  
Contractor/Supervisor (contingent from 8/3/89).  
Contractor/Supervisor Refresher Course (contingent from 8/3/89).

(34)(a) *Training Provider:* Columbus Paraprofessional Institute Battelle Columbus Division.

Address: 505 King Ave., Columbus, OH 43201-2693, Contact: John Simpkins, Phone: (614) 424-6424.

(b) *Approved Courses:*  
Inspector/Management Planner (contingent from 4/4/88).  
Inspector/Management Planner (full from 4/11/88).  
Inspector/Management Planner Refresher Course (contingent from 11/30/88).

(35)(a) *Training Provider:* Construction & General Laborers Training Trust Fund.

Address: 400 East Ogden Ave., Westmont, IL 60559, Contact: Anthony Solano, Phone: (312) 323-8999.

(b) *Approved Courses:*  
Abatement Worker (contingent from 9/16/88).

Abatement Worker (full from 1/23/89).  
Abatement Worker Refresher Course (contingent from 12/1/88).  
Contractor/Supervisor (contingent from 9/22/89).

(36)(a) *Training Provider:* Construction Laborer Local Union No. 496.

Address: 5945 North Ridge Rd., P.O. Box 190, Madison, OH 44057, Contact: Floyd Conrad, Phone: (216) 428-7177.

(b) *Approved Course:*  
Contractor/Supervisor (contingent from 10/25/89).

(37)(a) *Training Provider:* D/E 3.  
Address: 7471-H Tyler Blvd., Mentor, OH 44060, Contact: Harold N. Danto, Phone: (216) 942-4800.

(b) *Approved Courses:*  
Abatement Worker (contingent from 10/7/88).

Abatement Worker Refresher Course (contingent from 1/4/89).

(38)(a) *Training Provider:* D/E 3.  
Address: 19701 South Miles Pkwy., N-12, Warrensville, OH 44128, Contact: Harold Danto, Phone: (216) 663-1500.

(b) *Approved Courses:*  
Contractor/Supervisor (contingent from 9/1/89).  
Contractor/Supervisor Refresher Course (contingent from 10/10/89).

(39)(a) *Training Provider:* Daniel J. Hartwig Associates, Inc.  
Address: P.O. Box 31, Oregon, WI 53575-0031, Contact: Alice J. Seeliger, Phone: (608) 835-5781.

(b) *Approved Courses:*  
Abatement Worker (full from 10/18/88).  
Abatement Worker Refresher Course (contingent from 4/25/89).  
Contractor/Supervisor (contingent from 4/11/89).  
Contractor/Supervisor Refresher Course (contingent from 4/25/89).

Inspector/Management Planner (contingent from 2/9/88).  
Inspector/Management Planner (full from 4/18/88).

Inspector/Management Planner Refresher Course (contingent from 2/23/89).

(40)(a) *Training Provider:* Darla Environmental, Inc.

Address: 1220 Richards St., Suite H, Joliet, IL 60433-2758, Contact: Salvador Garcia, Phone: (815) 722-5561.

(b) *Approved Courses:*  
Abatement Worker (contingent from 10/7/88).  
Contractor/Supervisor (contingent from 10/7/88).

(41)(a) *Training Provider:* DeLisle Associates, Ltd.

Address: 6946 East North Ave., Kalamazoo, MI 49001, Contact: Mark A. DeLisle, Phone: (616) 385-1018.

(b) *Approved Courses:*  
Abatement Worker (contingent from 9/1/88).

Abatement Worker (full from 1/23/89).  
Contractor/Supervisor (contingent from 10/5/87).

Contractor/Supervisor (full from 10/20/87).  
Contractor/Supervisor Refresher Course (contingent from 9/1/88).

Inspector/Management Planner (contingent from 12/22/87).  
Inspector/Management Planner (full from 1/27/88).

Inspector/Management Planner Refresher Course (contingent from 2/23/89).

(42)(a) *Training Provider:* Dore & Associates Contracting, Inc.

Address: 900 Harry S. Truman Pkwy., P.O. Box 146, Bay City, MI 48707, Contact: Joseph Goldring, Phone: (517) 684-8358.

(b) *Approved Courses:*  
Abatement Worker (contingent from 7/6/88).

Abatement Worker (full from 7/25/88).  
Abatement Worker Refresher Course (contingent from 10/31/88).  
Contractor/Supervisor (contingent from 10/31/88).

Contractor/Supervisor Refresher Course (contingent from 3/29/89).

(43)(a) *Training Provider:* Ecological Services, Inc.

Address: 107 Clay St., Tiffin, OH 44880-0715, Contact: Harish N. Pandhi, Phone: (419) 447-2514.

(b) *Approved Courses:*  
Abatement Worker (contingent from 12/1/88).

Abatement Worker Refresher Course (contingent from 3/7/89).



(44)(a) *Training Provider:* Emscoa-Emergency Medical Service Consultants of America.

Address: 12125 South 90th Ave., Palos Park, IL 60464, Contact: Fred Debow, Phone: (708) 448-7500.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/3/89).

Contractor/Supervisor (contingent from 11/3/89).

(45)(a) *Training Provider:*

Environment Technology of Fort Wayne, Inc.

Address: 9208 Hessen Cassel Rd., Fort Wayne, IN 46816, Contact: Randy C. Aumsbaugh, Phone: (219) 447-3141.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/5/89).

Abatement Worker Refresher Course (contingent from 4/7/89).

(46)(a) *Training Provider:*

Environmental & Occupational Consulting & Training, Inc.

Address: 3410 East Cork St., Kalamazoo, MI 49001, Contact: A. Clark Kahn, Phone: (616) 388-8099.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/89).

Abatement Worker Refresher Course (contingent from 3/7/89).

Contractor/Supervisor (contingent from 3/1/89).

Contractor/Supervisor Refresher Course (contingent from 3/7/89).

(47)(a) *Training Provider:*

Environmental Abatement Systems, Inc.

Address: 6416 Ellsworth, Detroit, MI 48238, Contact: Farrell Davis, Phone: (313) 345-3154.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).

Contractor/Supervisor (contingent from 8/12/88).

(48)(a) *Training Provider:*

Environmental Diversified Services, Inc.

Address: 24356 Sherwood, Center Line, MI 48015-1061, Contact: Michael D. Berg, Phone: (313) 757-4800.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/30/89).

Abatement Worker Refresher Course (contingent from 4/14/89).

Contractor/Supervisor (contingent from 3/30/89).

Contractor/Supervisor Refresher Course (contingent from 4/11/89).

(49)(a) *Training Provider:*

Environmental Management Consultants, Inc.

Address: 5201 Middle Mt. Vernon Rd., Evansville, IN 47712, Contact: Barbara S. Kramer, Phone: (812) 424-7768.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/9/89).

Contractor/Supervisor (contingent from 3/9/89).

(50)(a) *Training Provider:*

Environmental Professionals, Inc.

Address: 1405 Newton St., Tallmadge, OH 44278, Contact: Edward C. Bruner, Phone: (216) 633-4435.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 2/2/88).

Contractor/Supervisor Refresher Course (contingent from 1/26/89).

(51)(a) *Training Provider:*

Environmental Rehab, Inc.

Address: 700 Coronis Cir., Green Bay, WI 54304, Contact: Randy LaCrosse, Phone: (414) 337-0650.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).

Abatement Worker (full from 3/29/89).

Abatement Worker Refresher Course (contingent from 10/13/89).

(52)(a) *Training Provider:*

Environmental Response Systems, Inc.

Address: 5319 Broadway Ave., Cleveland, OH 44127, Contact: Paul J. Stroud, Jr., Phone: (216) 883-1152.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 12/29/88).

(53)(a) *Training Provider:*

Environmental Safety Training Services, Inc.

Address: 11802 HANSON RD., Algonquin, IL 60102, Contact: Robert Sayre, Phone: (217) 525-6161.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/1/88).

Abatement Worker Refresher Course (contingent from 1/17/89).

(54)(a) *Training Provider:*

Environmental Technologies Co. (Formerly Lee Environmental Services, Inc.).

Address: 2727 Second Ave., Detroit, MI 48201, Contact: David W. McDowell, Phone: (313) 961-4230.

(b) *Approved Course:*

Abatement Worker (contingent from 3/17/89).

(55)(a) *Training Provider:*

Environmental Training Institute.

Address: 4708 Angold Rd., Toledo, OH 43615, Contact: Dale Bruhl, Jr., Phone: (419) 382-9200.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/10/89).

Abatement Worker Refresher Course (contingent from 10/5/89).

(56)(a) *Training Provider:* Envirplus, Inc.

Address: 600 Hartrey Ave., Suite 203 A, Evanston, IL 60202, Contact: Salvador Garcia, Phone: (312) 475-0022.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 8/31/89).

(57)(a) *Training Provider:* Escor, Inc.

Address: 540 Frontage Rd., Suite 211, Northfield, IL 60093, Contact: R. Eric Zimmerman, Phone: (312) 501-2190.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).

Abatement Worker Refresher Course (contingent from 9/15/88).

Contractor/Supervisor (contingent from 8/12/88).

Contractor/Supervisor Refresher Course (contingent from 9/15/88).

Inspector/Management Planner (contingent from 8/12/88).

Inspector/Management Planner Refresher Course (contingent from 9/1/88).

(58)(a) *Training Provider:* Foley Occupational Health Consulting.

Address: 2400 North Reynolds Rd., Toledo, OH 43615, Contact: E.D. Foley, Jr., Phone: (419) 531-7191.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 2/4/88).

Contractor/Supervisor Refresher Course (contingent from 1/4/89).

(59)(a) *Training Provider:* G & H Contracting Associates, Ltd.

Address: 360 Acorn St., P.O. Box 49060, Plainwell, MI 49080, Contact: Jeffrey C. Gren, Phone: (616) 685-1606.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/7/88).

Abatement Worker (full from 11/7/88).

Contractor/Supervisor (contingent from 4/21/89).

(60)(a) *Training Provider:* Gandee & Associates, Inc.

Address: 4488 Mobile Dr., Columbus, OH 43220, Contact: Kurt Varga, Phone: (614) 459-8338.

(b) *Approved Courses:*

Abatement Worker (full from 1/17/89).

Abatement Worker Refresher Course (contingent from 8/17/89).

Contractor/Supervisor (contingent from 6/1/88).

Contractor/Supervisor (full from 8/29/88).



Contractor/Supervisor Refresher Course (contingent from 7/26/89).

Inspector/Management Planner (contingent from 3/3/89).

Inspector/Management Planner Refresher Course (contingent from 8/2/89).

(61)(a) *Training Provider:* Hazard Management Group, Inc.

Address: P.O. Box 627, Ashtabula, OH 44004, Contact: Gabriel Demshar, Jr., Phone: (216) 992-1122.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).

Contractor/Supervisor (contingent from 1/4/89).

(62)(a) *Training Provider:* Hazardous Materials Institute, Inc.

Address: 1550 OLD Henderson Rd., Suite N-232, Columbus, OH 43222, Contact: Al Wilson, Phone: (614) 459-1105.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).

Abatement Worker Refresher Course (contingent from 9/15/88).

Contractor/Supervisor (contingent from 8/12/88).

Contractor/Supervisor Refresher Course (contingent from 9/15/88).

Inspector/Management Planner (contingent from 8/3/88).

Inspector/Management Planner Refresher Course (contingent from 9/15/88).

Project Designer (contingent from 10/14/88).

(63)(a) *Training Provider:* Heat & Frost Insulators & Asbestos Workers Local Union No. 17 Apprentice Training Center.

Address: 3850 South Racine Ave., Chicago, IL 60609, Contact: John P. Shine, Phone: (312) 247-1007.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/2/87).

Abatement Worker (full from 11/8/87).

Abatement Worker Refresher Course (contingent from 10/14/88).

Contractor/Supervisor (contingent from 3/21/88).

Contractor/Supervisor (full from 3/22/88).

Contractor/Supervisor Refresher Course (contingent from 12/1/88).

(64)(a) *Training Provider:* Heat & Frost Insulators & Asbestos Workers Local Union No. 34.

Address: 708 South 10th St., Minneapolis, MN 55404, Contact: Lee Houske, Phone: (612) 332-3216.

(b) *Approved Courses:*

Abatement Worker (full from 11/8/88).

Contractor/Supervisor (full from 11/8/88).

(65)(a) *Training Provider:* Helix Environmental, Inc.

Address: 416 Triangle, Dayton, OH 45419, Contact: Ralph Froehlich, Phone: (513) 298-2990.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/1/89).

Contractor/Supervisor (contingent from 11/1/89).

Inspector/Management Planner Refresher Course (contingent from 11/1/89).

(66)(a) *Training Provider:* I.P.C. of Chicago.

Address: 4309 West Henderson, Chicago, IL 60641, Contact: Robert G. Cooley, Phone: (312) 718-7395.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/5/87).

Abatement Worker (full from 8/8/88).

Contractor/Supervisor (contingent from 2/7/89).

Contractor/Supervisor Refresher Course (contingent from 2/7/89).

Inspector/Management Planner Refresher Course (contingent from 2/7/89).

(67)(a) *Training Provider:* Illinois Environmental Institute.

Address: 8425 West 95th St., Hickory Hills, IL 60457, Contact: William T. Giova, Phone: (312) 839-9000.

(b) *Approved Course:*

Abatement Worker (contingent from 3/3/89).

(68)(a) *Training Provider:* Illinois Laborers' & Contractors Training Program.

Address: R.R. 3, Mount Sterling, IL 62353, Contact: Tony Romolo, Phone: (217) 773-2741.

(b) *Approved Courses:*

Abatement Worker (full from 12/15/85).

Abatement Worker Refresher Course (contingent from 9/1/88).

Contractor/Supervisor (contingent from 2/9/88).

Contractor/Supervisor (full from 3/14/88).

Contractor/Supervisor Refresher Course (contingent from 2/27/89).

(69)(a) *Training Provider:* Ilse Engineering, Inc.

Address: 7177 Arrowhead Rd., Duluth, MN 55811, Contact: John F. Ilse, Phone: (218) 729-6858.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).

Contractor/Supervisor Refresher Course (contingent from 4/11/89).

(70)(a) *Training Provider:* Indiana Laborers Training Trust Fund.

Address: P.O. Box 758, Bedford, IN 47421, Contact: Richard Fassino, Phone: (812) 279-9751.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/87).

Abatement Worker (full from 2/22/88).

Abatement Worker Refresher Course (contingent from 10/7/88).

Contractor/Supervisor (contingent from 6/2/88).

Contractor/Supervisor (full from 8/15/88).

Contractor/Supervisor Refresher Course (contingent from 6/14/89).

(71)(a) *Training Provider:* Indianapolis Center for Advanced Research, Inc.

Address: 611 North Capitol Ave., Indianapolis, IN 46204, Contact: William Beranek, Jr., Phone: (317) 262-5027.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/13/88).

Abatement Worker (full from 1/10/89).

Abatement Worker Refresher Course (contingent from 12/27/88).

Contractor/Supervisor (contingent from 9/15/88).

Contractor/Supervisor (full from 1/10/89).

Contractor/Supervisor Refresher Course (contingent from 12/27/88).

Inspector/Management Planner (contingent from 5/9/88).

Inspector/Management Planner (full from 6/6/88).

Inspector/Management Planner Refresher Course (contingent from 12/6/88).

(72)(a) *Training Provider:* Industrial Environmental Consultants.

Address: 2875 Northwind, Suite 113, East Lansing, MI 48823, Contact: James C. Fox, Phone: (517) 332-7026.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/9/88).

Abatement Worker (full from 1/23/89).

Abatement Worker Refresher Course (contingent from 1/18/89).

Contractor/Supervisor (contingent from 8/3/88).

Contractor/Supervisor (full from 1/23/89).

Contractor/Supervisor Refresher Course (contingent from 12/5/88).

Inspector/Management Planner (contingent from 3/1/88).

(73)(a) *Training Provider:* Institute for Environmental Assessment.



Address: 2829 Verndale Ave., Anoka, MN 55303, Contact: Bill Sloan, Phone: (612) 427-5310.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).

Contractor/Supervisor (contingent from 8/12/88).

Inspector Refresher Course (contingent from 2/23/89).

(74)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 19.

Address: 9401 West Beloit Rd., No. 209, Milwaukee, WI 53227, Contact: Randall Gottsacker, Phone: (414) 321-2828.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/29/88).

Abatement Worker (full from 5/15/89).

Abatement Worker Refresher Course (contingent from 1/26/89).

Contractor/Supervisor (contingent from 12/29/88).

Contractor/Supervisor Refresher Course (contingent from 1/26/89).

(75)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 34.

Address: 708 South 10th St., Minneapolis, MN 55404, Contact: Lee A. Houske, Phone: (612) 332-3216.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/8/88).

Contractor/Supervisor (contingent from 9/1/88).

(76)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers, Local Union No. 127.

Address: 2787 Pamela Dr., Green Bay, WI 54302, Contact: Michael A. Simons, Phone: (414) 468-5973.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/18/89).

Abatement Worker Refresher Course (contingent from 1/18/89).

Contractor/Supervisor (contingent from 1/18/89).

(77)(a) *Training Provider:* JWP

Enterprises, Ltd.  
Address: 122 Water St., Baraboo, WI 53913, Contact: Stephen P. Jandrowski, Phone: (608) 356-2101.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/8/89).

Abatement Worker Refresher Course (contingent from 6/8/89).

Contractor/Supervisor (contingent from 6/8/89).

Contractor/Supervisor Refresher Course (contingent from 6/8/89).

(78)(a) *Training Provider:* Keeter Environmental, LTD.

Address: 899 Edgewood Ave., Elmhurst, IL 60126, Contact: Philip Pekron, Phone: (312) 941-0201.

(b) *Approved Course:*

Abatement Worker (contingent from 10/27/89).

(79)(a) *Training Provider:* Kemron Environmental Services, Inc.

Address: 32740 Northwestern Hwy., Farmington Hills, MI 48018, Contact: Sara A. Bassett, Phone: (313) 626-2426.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/2/89).

Contractor/Supervisor (contingent from 5/13/88).

Contractor/Supervisor (full from 2/27/89).

Contractor/Supervisor Refresher Course (contingent from 2/7/89).

Inspector/Management Planner (contingent from 3/25/88).

Inspector/Management Planner Refresher Course (contingent from 1/4/89).

(80)(a) *Training Provider:* Lakeland Contractors, Inc.

Address: 7615-B St. Clair St., Mentor, OH 44060, Contact: Rex Harris, Phone: (216) 942-0006.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/4/89).

Abatement Worker Refresher Course (contingent from 4/11/89).

(81)(a) *Training Provider:* Lepi Enterprises, Inc.

Address: 917 Main St., Dresden, OH 43821, Contact: James R. Lepi, Phone: (614) 754-1162.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/6/88).

Abatement Worker Refresher Course (contingent from 4/25/89).

(82)(a) *Training Provider:* Lyle Training Institute.

Address: 41 South Grant, Columbus, OH 43215, Contact: Andrea D. Hamblin, Phone: (614) 224-8822.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/21/88).

Contractor/Supervisor (contingent from 3/7/89).

Inspector/Management Planner (contingent from 6/30/88).

Inspector/Management Planner Refresher Course (contingent from 3/16/89).

(83)(a) *Training Provider:* M.K. Moore & Sons, Inc.

Address: 5150 Wagoner-Ford Rd., Dayton, OH 45414, Contact: Catherine C. Buchanan, Phone: (513) 236-1812.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/31/89).

Abatement Worker Refresher Course (contingent from 4/7/89).

Contractor/Supervisor (contingent from 3/31/89).

Contractor/Supervisor Refresher Course (contingent from 4/7/89).

(84)(a) *Training Provider:* MacNeil Environmental, Inc.

Address: 799 Roosevelt Rd., Building 6, Glen Ellyn, IL 60137, Contact: James E. Viskocil, Phone: (312) 858-2092.

(b) *Approved Courses:*

Contractor/Supervisor Refresher Course (contingent from 7/6/89).

Inspector/Management Planner Refresher Course (contingent from 7/6/89).

(85)(a) *Training Provider:* Manage Right Asbestos Consultants.

Address: 314 West Genesee Ave., Saginaw, MI 48602, Contact: Mary Margaret Brown, Phone: (517) 753-9290.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/24/89).

Abatement Worker Refresher Course (contingent from 4/27/89).

Contractor/Supervisor (contingent from 4/7/89).

(86)(a) *Training Provider:* Mark A. Kriesemint, Ltd.

Address: P.O. Box 06198, Chicago, IL 60606-0198, Contact: Mark Kriesemint, Phone: (312) 463-0206.

(b) *Approved Course:*

Abatement Worker (contingent from 10/31/88).

(87)(a) *Training Provider:* McDowell Business Training Center.

Address: 1326 S. Michigan Ave., Suite 103, Chicago, IL 60605, Contact: Edward McDowell, Phone: (312) 427-2598.

(b) *Approved Course:*

Abatement Worker (contingent from 10/6/89).

(88)(a) *Training Provider:* Metropolitan Detroit AFL-CIO Training Center.

Address: 14333 Prairie, Detroit, MI 48238, Contact: Richard M. King, Phone: (313) 863-1000.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).



Contractor/Supervisor (contingent from 8/12/88).

(89)(a) *Training Provider:* Michigan Laborers Training Institute.

Address: 11155 South Beardslee Rd., Perry, MI 48872, Contact: Edwin H. McDonald, Phone: (517) 625-4919.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/9/88).

Abatement Worker (full from 5/2/88).

Abatement Worker Refresher Course (contingent from 11/14/88).

Contractor/Supervisor (contingent from 4/6/88).

Contractor/Supervisor (full from 5/6/88).

Contractor/Supervisor Refresher Course (contingent from 11/14/88).

(90)(a) *Training Provider:* Mid-Central Illinois District Council of Carpenters.

Address: 910 Brenkman Dr., Pekin, IL 61554, Contact: Mr. Burnett, Phone: (309) 353-4232.

(b) *Approved Courses:*

Abatement Worker Refresher Course (contingent from 9/1/89).

Contractor/Supervisor Refresher Course (contingent from 9/1/89).

(91)(a) *Training Provider:* Midwest Center for Occupational Health & Safety.

Address: 640 Jackson St., St. Paul, MN 55101, Contact: Ruth K. McIntyre, Phone: (612) 221-3992.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/16/88).

Contractor/Supervisor (full from 11/28/88).

Contractor/Supervisor Refresher Course (contingent from 12/1/88).

Inspector/Management Planner (contingent from 5/9/88).

Inspector/Management Planner (full from 5/23/88).

Inspector/Management Planner Refresher Course (contingent from 12/1/88).

(92)(a) *Training Provider:* Midwest Health Training.

Address: 3920 Central, Western Springs, IL 60558, Contact: H.C. Brown, Phone: (312) 246-9527.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/25/88).

Abatement Worker (full from 4/25/88).

Abatement Worker Refresher Course (contingent from 9/15/88).

Contractor/Supervisor (contingent from 2/23/89).

(93)(a) *Training Provider:* Milwaukee Asbestos Information Center.

Address: 2224 South Kinnickinnic Ave., Milwaukee, WI 53207, Contact:

Thomas R. Ortell, Phone: (414) 744-8100.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/1/88).

Abatement Worker Refresher Course (contingent from 2/23/89).

Contractor/Supervisor (contingent from 12/1/88).

Contractor/Supervisor Refresher Course (contingent from 2/23/89).

Inspector/Management Planner (contingent from 3/2/89).

Inspector/Management Planner Refresher Course (contingent from 2/23/89).

Project Designer (contingent from 9/22/89).

Project Designer Refresher Course (contingent from 10/16/89).

(94)(a) *Training Provider:* Moraine Valley Community College.

Address: 10900 South 88th Ave., Palos Hills, IL 60465, Contact: Richard Kukac, Phone: (312) 974-5733.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/7/89).

Abatement Worker Refresher Course (contingent from 3/16/89).

Contractor/Supervisor (contingent from 8/12/88).

Contractor/Supervisor Refresher Course (contingent from 12/6/88).

Inspector/Management Planner (full from 2/9/88).

Inspector/Management Planner Refresher Course (contingent from 12/6/88).

(95)(a) *Training Provider:* National Asbestos Abatement Corp.

Address: 1198 Robert T. Longway Blvd., Flint, MI 48503, Contact: James S. Sheaffer, Phone: (313) 232-7100.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/7/89).

Abatement Worker (full from 4/18/89).

(96)(a) *Training Provider:* National Institute for Abatement Education.

Address: 5501 Williamsburg Way No. 305, Madison, WI 53719, Contact: Dean Leischow, Phone: (608) 271-7281.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/15/88).

Contractor/Supervisor (contingent from 7/15/88).

(97)(a) *Training Provider:* Northern Safety Consultants, Inc.

Address: 1406 Lincoln Ave., Marquette, MI 49855, Contact: Christopher M. Baker, Phone: (906) 228-5161.

(b) *Approved Courses:*

Abatement Worker (full from 5/31/88).

Contractor/Supervisor (full from 5/31/88).

Contractor/Supervisor Refresher Course (contingent from 10/7/88).

(98)(a) *Training Provider:* Northland Environmental Services, Inc.

Address: P.O. Box 909, Stevens Point, WI 54481, Contact: Bob Voborsky, Phone: (715) 341-9699.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/18/89).

Abatement Worker Refresher Course (contingent from 1/18/89).

Contractor/Supervisor (contingent from 1/18/89).

Contractor/Supervisor Refresher Course (contingent from 1/18/89).

(99)(a) *Training Provider:* Nova Environmental Services.

Address: Suite 420 Hazeltine Gates, 1107 Hazeltine Blvd., Chaska, MN 55318, Contact: Deborah S. Green, Phone: (612) 448-9393.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/24/87).

Abatement Worker Refresher Course (contingent from 4/13/89).

Contractor/Supervisor (contingent from 9/1/88).

Contractor/Supervisor Refresher Course (contingent from 4/13/89).

(100)(a) *Training Provider:* Nova Environmental, Inc.

Address: 5340 Plymouth Rd., Suite 210, Ann Arbor, MI 48105, Contact: Kary S. Amin, Phone: (313) 930-0995.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/13/88).

Abatement Worker (full from 3/27/89).

Contractor/Supervisor (contingent from 10/7/88).

Contractor/Supervisor (full from 3/27/89).

Contractor/Supervisor Refresher Course (contingent from 10/7/88).

Inspector/Management Planner (contingent from 10/7/88).

Inspector/Management Planner Refresher Course (contingent from 11/14/88).

(101)(a) *Training Provider:* Ohio Asbestos Workers Council.

Address: 1216 East McMillan St., Room 107, Cincinnati, OH 45206, Contact: Larry Briley, Phone: (513) 221-5969.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 2/17/88).

Contractor/Supervisor (full from 5/12/88).



(102)(a) *Training Provider:* Ohio Laborers Training & Upgrading Trust Fund.

Address: 25721 Coshocton Rd., P.O. Box 218, Howard, OH 43028, Contact: John L. Railing, Phone: (614) 599-7915.

(b) *Approved Courses:*

Abatement Worker (full from 4/11/88).

Abatement Worker Refresher Course (contingent from 9/1/88).

Contractor/Supervisor (contingent from 7/27/88).

Contractor/Supervisor Refresher Course (contingent from 6/6/89).

(103)(a) *Training Provider:* Olive - Harvey College Skill Center.

Address: 10001 South Woodlawn Ave., Chicago, IL 60628, Contact: Verondo Tucker, Phone: (312) 660-4841.

(b) *Approved Course:*

Abatement Worker (contingent from 3/6/89).

(104)(a) *Training Provider:* Peoria Public Schools.

Address: 3202 North Wisconsin Ave., Peoria, IL 61603, Contact: Emil S. Steinseifer, Phone: (309) 672-6512.

(b) *Approved Course:*

Abatement Worker Refresher Course (contingent from 11/14/88).

(105)(a) *Training Provider:* Professional Asbestos Control Company Inc.

Address: 5739 West Howard St., Niles, IL 60048, Contact: William Foss, Phone: (312) 647-0077.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/2/89).

Contractor/Supervisor (contingent from 11/2/89).

(106)(a) *Training Provider:* Professional Asbestos Labor Services, Inc.

Address: 1501 Martin Luther King Dr., Gary, IN 46407, Contact: George Bradley, Phone: (219) 883-8541.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/18/88).

Abatement Worker Refresher Course (contingent from 12/5/88).

(107)(a) *Training Provider:* Professional Service Industries, Inc.

Address: 510 East 22nd St., Lombard, IL 60148, Contact: W.K. Swartzendruber, Phone: (312) 691-1490.

(b) *Approved Courses:*

Contractor/Supervisor Refresher Course (contingent from 10/11/89).

Inspector/Management Planner (contingent from 12/15/88).

Inspector/Management Planner (full from 4/27/89).

Inspector/Management Planner Refresher Course (contingent from 10/11/89).

(108)(a) *Training Provider:* Randolph & Associates, Inc.

Address: 8901 North Industrial Rd., Peoria, IL 61615, Contact: Kirk E. Sweetland, Phone: (309) 692-4422.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 5/30/89).

Contractor/Supervisor Refresher Course (contingent from 6/9/89).

(109)(a) *Training Provider:* Rend Lake College.

Address: Department AAA, Ina, IL 62846, Contact: Fred Bruno, Phone: (618) 437-5321.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/29/89).

Abatement Worker (full from 10/10/89).

(110)(a) *Training Provider:* Risk Services, Inc.

Address: 26384 Ford Rd., Suite 200, Dearborn Heights, MI 48127, Contact: Michael J. Borsuck, Phone: (313) 565-5225.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/11/89).

Abatement Worker Refresher Course (contingent from 4/11/89).

Contractor/Supervisor (contingent from 4/11/89).

Contractor/Supervisor Refresher Course (contingent from 4/11/89).

(111)(a) *Training Provider:* S.Z.

Mansdorf & Associates, Inc.  
Address: 2000 Chestnut Blvd., Cuyahoga Falls, OH 44223-1323, Contact: S.Z. Mansdorf, Phone: (216) 928-5434.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 1/15/88).

Contractor/Supervisor (full from 2/12/88).

Contractor/Supervisor Refresher Course (contingent from 1/19/89).

Inspector/Management Planner (contingent from 6/24/88).

Inspector/Management Planner Refresher Course (contingent from 1/26/89).

(112)(a) *Training Provider:* Safer Foundation.

Address: 571 West Jackson Blvd., Chicago, IL 60606, Contact: C. Bentley or P. Bergmann, Phone: (312) 922-2200.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/15/88).

Abatement Worker (full from 7/7/89).

Abatement Worker Refresher Course (contingent from 11/3/89).

(113)(a) *Training Provider:* Safety Dynamics.

Address: 124 Massachusetts Ave., Poland, OH 44514, Contact: Ronald G. Zikmund, Phone: (216) 757-3899.

(b) *Approved Course:*

Abatement Worker (contingent from 8/18/89).

(114)(a) *Training Provider:* Safety Training of Illinois.

Address: 1515 South Park, Springfield, IL 62704, Contact: S. David Farris, Phone: (217) 787-9091.

(b) *Approved Courses:*

Abatement Worker (full from 12/18/87).

Abatement Worker Refresher Course (contingent from 11/14/88).

(115)(a) *Training Provider:* Sear Corp.

Address: 8802 Bash St., Suite F, Indianapolis, IN 46256, Contact: Todd M. Strader, Phone: (317) 576-5845.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/3/89).

Abatement Worker (full from 7/7/89).

(116)(a) *Training Provider:* Seneca Asbestos Removal & Control, Inc.

Address: 78 Ashwood Rd., Tiffin, OH 44883, Contact: Roger Bakies, Phone: (419) 447-0202.

(b) *Approved Course:*

Abatement Worker (contingent from 4/21/89).

(117)(a) *Training Provider:* Sierra Analytical & Consulting Services, Inc.

Address: 307 North First St., Ann Arbor, MI 48103, Contact: David Nelson, Phone: (313) 662-1155.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/17/89).

Contractor/Supervisor (contingent from 1/26/89).

Contractor/Supervisor (full from 3/13/89).

(118)(a) *Training Provider:* South East Michigan Committee on Occupational Safety and Health (SEMCOSH).

Address: 1550 Howard St., Detroit, MI 48216, Contact: Barbara Boylan, Phone: (313) 961-3345.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/13/87).

Abatement Worker (full from 4/25/88).

Abatement Worker Refresher Course (contingent from 4/25/89).

(119)(a) *Training Provider:* Testing Engineers & Consultants, Inc.

Address: 1333 Rochester Rd., P.O. Box 249, Troy, MI 48099, Contact: Karl D. Agee, Phone: (313) 588-6200.

(b) *Approved Courses:*



Inspector/Management Planner  
(contingent from 5/9/88).

Inspector/Management Planner (full  
from 8/22/88).

Inspector/Management Planner  
Refresher Course (contingent from 3/  
30/89).

(120)(a) *Training Provider:* The  
American Center for Educational  
Development, Inc.

Address: 401 S. Michigan Ave., Chicago,  
IL 60605, Contact: Ron Broom, Phone:  
(312) 322-2233.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/  
3/89).

Contractor/Supervisor (contingent from  
11/3/89).

(121)(a) *Training Provider:* The Brand  
Companies.

Address: 1420 Renaissance Dr., Park  
Ridge, IL 60068, Contact: Frank J.  
Barta, Phone: (312) 298-1200.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/  
4/89).

Abatement Worker (full from 5/1/89).

Abatement Worker Refresher Course  
(contingent from 8/8/89).

Contractor/Supervisor (contingent from  
7/7/89).

Contractor/Supervisor Refresher Course  
(contingent from 8/16/89).

(122)(a) *Training Provider:* The Clear  
Consortium.

Address: 127 North Dearborn St.,  
Chicago, IL 60602, Contact: Lorenzo  
Higgins, Phone: (312) 368-0211.

(b) *Approved Course:*

Abatement Worker (contingent from 7/  
18/89).

(123)(a) *Training Provider:* The  
Environmental Institute.

Address: 314 South State Ave.,  
Indianapolis, IN 46201, Contact: Cindy  
Witte, Phone: (317) 289-3818.

(b) *Approved Course:*

Abatement Worker Refresher Course  
(contingent from 12/22/88).

(124)(a) *Training Provider:* Thermico,  
Inc.

Address: 3405 Centennial Dr., P.O. Box  
2151, Midland, MI 48641-2151, Contact:  
Kevin Otis, Phone: (517) 496-2927.

(b) *Approved Course:*

Abatement Worker (contingent from 4/  
7/89).

(125)(a) *Training Provider:* Tillotson  
Consulting & Training, Inc.

Address: 9332 Oakview, Portage, MI  
49002, Contact: Michael R. Tillotson,  
Phone: (616) 323-2124.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/  
29/88).

Abatement Worker Refresher Course  
(contingent from 12/11/88).

Contractor/Supervisor (contingent from  
12/29/88).

Contractor/Supervisor Refresher Course  
(contingent from 12/11/88).

Inspector/Management Planner  
(contingent from 12/29/88).

Inspector/Management Planner  
Refresher Course (contingent from 12/  
11/88).

(126)(a) *Training Provider:* Trust  
Thermal Systems.

Address: 10445 Wright Rd., Eagle, MI  
48822, Contact: Thomas Lowe, Phone:  
(517) 626-6791.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/  
1/88).

Abatement Worker Refresher Course  
(contingent from 4/7/89).

Contractor/Supervisor (contingent from  
3/30/89).

Contractor/Supervisor Refresher Course  
(contingent from 4/7/89).

(127)(a) *Training Provider:* University  
of Cincinnati Medical Center Institute of  
Environmental Health Kettering  
Laboratory.

Address: 3223 Eden Ave., ML 056,  
Cincinnati, OH 45267-0056, Contact:  
Judy L. Jarrell, Phone: (513) 558-1732.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/  
14/88).

Abatement Worker (full from 11/15/88).

Abatement Worker Refresher Course  
(contingent from 7/11/89).

Contractor/Supervisor (full from 10/20/  
87).

Contractor/Supervisor Refresher Course  
(contingent from 10/7/88).

Inspector/Management Planner (full  
from 11/16/87).

Inspector/Management Planner  
Refresher Course (contingent from 12/  
1/88).

Project Designer (contingent from 10/26/  
89).

(128)(a) *Training Provider:* University  
of Illinois at Chicago M.A.I.C.

Address: 1440 West Washington,  
Chicago, IL 60612, Contact: Tony  
Billotti, Phone: (312) 996-5762.

(b) *Approved Courses:*

Abatement Worker (interim from 10/1/  
87 to 12/14/87).

Abatement Worker (contingent from 10/  
2/87).

Abatement Worker (full from 4/5/88).

Abatement Worker Refresher Course  
(contingent from 11/14/88).

Contractor/Supervisor (full from 8/1/  
86).

Contractor/Supervisor Refresher Course  
(contingent from 1/18/89).

Inspector/Management Planner  
(contingent from 10/2/87).

Inspector/Management Planner (full  
from 10/21/87).

Inspector/Management Planner  
Refresher Course (full from 2/17/89).  
Project Designer (contingent from 7/7/  
89).

(129)(a) *Training Provider:* University  
of Wisconsin.

Address: 422 Lowell Hall, 610 Langdon  
St., Madison, WI 53703, Contact: Neil  
DeClercq, Phone: (608) 262-2111.

(b) *Approved Courses:*

Abatement Worker (full from 12/7/87).

Abatement Worker Refresher Course  
(contingent from 12/15/88).

Contractor/Supervisor (contingent from  
2/2/88).

Contractor/Supervisor (full from 9/1/  
88).

Contractor/Supervisor Refresher Course  
(contingent from 12/15/88).

Inspector/Management Planner  
(contingent from 2/2/88).

Inspector/Management Planner (full  
from 2/22/88).

Inspector/Management Planner  
Refresher Course (contingent from 12/  
15/88).

Project Designer (contingent from 9/15/  
88).

Project Designer Refresher Course  
(contingent from 3/3/89).

(130)(a) *Training Provider:* William E.  
Fink & Associates.

Address: 25 South State St., Girard, OH  
44420, Contact: William Fink, Phone:  
(216) 545-1222.

(b) *Approved Course:*

Contractor/Supervisor (contingent from  
8/18/89).

(131)(a) *Training Provider:* William E.  
Fink & Associates, Inc.

Address: 3695 Indian Run, Suite 5,  
Canfield, OH 44406, Contact: William  
E. Fink, Phone: (216) 533-6299.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/  
11/88).

Abatement Worker (full from 2/13/89).

Abatement Worker Refresher Course  
(contingent from 8/11/88).

Contractor/Supervisor (contingent from  
8/18/89).

Contractor/Supervisor Refresher Course  
(contingent from 10/13/89).

(132)(a) *Training Provider:* Wisconsin  
Laborers Training Center.

Address: P.O. Box 150, Almond, WI  
54909, Contact: Dean Jensen, Phone:  
(715) 366-8221.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/  
8/87).



Abatement Worker (full from 11/29/88).  
 Abatement Worker Refresher Course  
 (contingent from 11/14/88).  
 Contractor/Supervisor (contingent from  
 11/21/88).  
 Contractor/Supervisor (full from 11/29/  
 88).

(133)(a) *Training Provider:* Wonder  
 Makers, Inc.

Address: 3101 Darro St., Kalamazoo, MI  
 49008, Contact: Michael A. Pinto,  
 Phone: (616) 382-4154.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/  
 16/89).

Abatement Worker Refresher Course  
 (contingent from 3/9/89).

Contractor/Supervisor (contingent from  
 3/16/89).

Contractor/Supervisor Refresher Course  
 (contingent from 3/16/89).

Inspector/Management Planner  
 (contingent from 4/21/89).

Inspector/Management Planner  
 Refresher Course (contingent from 4/  
 21/89).

#### EPA-Approved Training Courses

##### REGION VI -- Dallas, TX

*Regional Asbestos Coordinator:* John  
 West, 6T-PT, EPA, Region VI, 1445 Ross  
 Avenue, Dallas, TX 75202-2733. (214)  
 655-7244, (FTS) 255-7244.

*List of Approved Courses:* The  
 following training courses have been  
 approved by EPA. The courses are listed  
 under (b). This approval is subject to the  
 level of certification indicated after the  
 course name. Training Providers are  
 listed in alphabetical order and do not  
 reflect a prioritization. Approvals for  
 Region VI training courses and contact  
 points for each, are as follows:

(1)(a) *Training Provider:* AAR, Inc.  
 Address: P.O. Box 742648, Houston, TX  
 77274-2648, Contact: David S. Barnett,  
 Phone: (713) 777-9205.

(b) *Approved Course:*

Abatement Worker (contingent from 1/  
 26/89).

(2)(a) *Training Provider:* AC & C  
 Systems Corp.

Address: 5909 Northwest Expressway,  
 Suite 310, Oklahoma City, OK 73132,  
 Contact: Turner Stallings, Phone: (405)  
 728-0444.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/  
 20/88).

Contractor/Supervisor (contingent from  
 10/26/88).

(3)(a) *Training Provider:* AEGIS  
 Associates, Inc.

Address: 4868 Research Dr., San  
 Antonio, TX 78240, Contact: John J.  
 Gokelman, Phone: (512) 641-8320.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from  
 5/25/89).

Inspector Refresher Course (contingent  
 from 4/4/89).

(4)(a) *Training Provider:* Abateco, Inc.

Address: 10000 Old Katy Rd., Suite 200,  
 Houston, TX 77055, Contact: W.D.  
 Heimbrook, Phone: (713) 461-0692.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/  
 14/88).

Abatement Worker Refresher Course  
 (contingent from 3/17/89).

Contractor/Supervisor (contingent from  
 8/14/89).

(5)(a) *Training Provider:* American  
 Specialty Contractors, Inc.

Address: 8181 West Darryl Pkwy, Baton  
 Rouge, LA 70896, Contact: Kurt Jones,  
 Phone: (504) 926-9624.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/  
 18/88).

Abatement Worker (full from 5/3/89).

Contractor/Supervisor (contingent from  
 11/18/88).

Contractor/Supervisor (full from 5/4/  
 89).

(6)(a) *Training Provider:* Analytical  
 Labs Training Center.

Address: 218 Market St., Baird, TX  
 79504, Contact: Bob Dye, Phone: (915)  
 854-1264.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/  
 21/89).

Contractor/Supervisor (contingent from  
 4/21/89).

(7)(a) *Training Provider:* Asbestos  
 Surveys & Training, Inc.

Address: 5959 Centralcrest, Houston, TX  
 77092, Contact: J.T. Stoneburger,  
 Phone: (713) 681-2639.

(b) *Approved Course:*

Abatement Worker (full from 10/22/87).

(8)(a) *Training Provider:* Ashley  
 Environmental Services.

Address: 5959 Central Crest, Houston,  
 TX 77092, Contact: Jesse Ashley,  
 Phone: (713) 683-6311.

(b) *Approved Course:*

Abatement Worker (contingent from 9/  
 27/89).

(9)(a) *Training Provider:* CCA  
 Environmental Inc.

Address: 8499 Greenville, Suite 105,  
 Dallas, TX 75231, Contact: Alcee  
 Chriss, Phone: (214) 348-1954.

(b) *Approved Course:*

Abatement Worker (contingent from 10/  
 18/89).

(10)(a) *Training Provider:* Carpenters  
 Apprenticeship Training School.

Address: 8505 Glen Vista, Houston, TX  
 77061, Contact: S.C. Strunk, Jr., Phone:  
 (713) 641-1011.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/  
 8/88).

Abatement Worker Refresher Course  
 (contingent from 7/8/88).

(11)(a) *Training Provider:* Certified  
 Asbestos Training Institute, Inc.

Address: 4202 Argentina Cir., Pasadena,  
 TX 77504, Contact: Clyde O. Waters,  
 Phone: (713) 487-3155.

(b) *Approved Course:*

Abatement Worker (contingent from 4/  
 20/88).

(12)(a) *Training Provider:* Enviro-Con  
 Services, Inc.

Address: 10014 Sussex Drive, Houston,  
 TX 77041, Contact: Johnny Bacot,  
 Phone: (713) 524-4121.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/  
 28/89).

Abatement Worker Refresher Course  
 (contingent from 10/2/89).

Contractor/Supervisor (contingent from  
 9/21/89).

Contractor/Supervisor Refresher Course  
 (contingent from 10/2/89).

(13)(a) *Training Provider:*  
 Environmental Consultant Service.

Address: P.O. Box 586422, Dallas, TX  
 75258, Contact: Thomas Armstrong,  
 Phone: (214) 638-3589.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/  
 20/89).

Contractor/Supervisor (contingent from  
 4/20/89).

Contractor/Supervisor Refresher Course  
 (contingent from 9/1/89).

Inspector/Management Planner  
 (contingent from 4/20/89).

(14)(a) *Training Provider:*  
 Environmental Institute.

Address: 5918 W. Courtyard Dr., Suite  
 410, Austin, TX 78730, Contact: E. H.  
 Hurst, Phone: (512) 338-4332.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/  
 1/88).

Contractor/Supervisor (contingent from  
 1/11/88).

Contractor/Supervisor (full from 3/1/  
 88).

Inspector/Management Planner (full  
 from 1/25/88).

Inspector/Management Planner  
 Refresher Course (contingent from 10/  
 2/89).

(15)(a) *Training Provider:*

Environmental Monitoring Service, Inc.  
 (EMS).



Address: 13008 Amarillo Ave., Austin, TX 78729, Contact: Rick Pruett, Phone: (512) 335-9116.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/88).

Contractor/Supervisor (contingent from 3/1/88).

Inspector/Management Planner (contingent from 4/19/89).

(16)(a) *Training Provider:* Field Sciences Institute.

Address: 2309 Renard Pl. SE, Suite 104, Albuquerque, NM 87106, Contact: Robert L. Edgar, Phone: (505) 764-9251.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/13/89).

Abatement Worker Refresher Course (full from 8/1/89).

Contractor/Supervisor (contingent from 4/22/88).

Contractor/Supervisor Refresher Course (full from 8/1/89).

Inspector Refresher Course (full from 8/1/89).

Inspector/Management Planner (contingent from 4/22/88).

(17)(a) *Training Provider:* Fort Worth Independent School District.

Address: 3210 West Lancaster, Fort Worth, TX 76107, Contact: H.D. Duncan, Phone: (817) 336-8311.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).

Abatement Worker Refresher Course (contingent from 7/27/88).

(18)(a) *Training Provider:* GEBCO Associates, Inc.

Address: 1501 Norwood, Suite 142, Hurst, TX 76054-3638, Contact: Ed Kirch, Phone: (817) 268-4006.

(b) *Approved Courses:*

Abatement Worker (interim from 4/15/87 to 8/19/87).

Abatement Worker (full from 8/20/87).

Abatement Worker Refresher Course (contingent from 5/16/88).

Contractor/Supervisor (contingent from 3/15/88).

Contractor/Supervisor (full from 7/24/89).

Contractor/Supervisor Refresher Course (contingent from 7/27/88).

Inspector/Management Planner (full from 3/7/88).

Inspector/Management Planner Refresher Course (contingent from 7/27/88).

(19)(a) *Training Provider:* Gary LaFrance Abatement Workers Training Program.

Address: 4802 Prestwick, Tyler, TX 75703, Contact: Gary G. LaFrance, Phone: (214) 581-8852.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/14/88).

Abatement Worker (full from 4/12/89).

(20)(a) *Training Provider:* IMPACT INC.

Address: 5330 Griggs Rd., Houston, TX 77021, Contact: Edgar Harvey, Phone: (713) 845-2416.

(b) *Approved Course:*

Abatement Worker (contingent from 8/17/89).

(21)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 22.

Address: 3219 Pasadena Blvd., Pasadena, TX 77503, Contact: Robert M. Chadwick, Phone: (713) 473-0888.

(b) *Approved Courses:*

Abatement Worker (interim from 10/1/87 to 10/4/87).

Abatement Worker (contingent from 10/5/87).

Abatement Worker (full from 3/22/88).

Abatement Worker Refresher Course (contingent from 10/5/87).

Contractor/Supervisor (full from 6/27/88).

(22)(a) *Training Provider:* K & T Safety Service, Inc.

Address: 9888 Bissonnet, Houston, TX 77036, Contact: Kevin Clothier, Phone: (713) 988-9021.

(b) *Approved Course:*

Abatement Worker (contingent from 3/28/89).

(23)(a) *Training Provider:* Keers Environmental, Inc.

Address: P.O. Box 6848, Albuquerque, NM 89197, Contact: Robert W. Keers, Phone: (505) 888-9525.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 3/28/89).

Contractor/Supervisor Refresher Course (contingent from 10/6/89).

(24)(a) *Training Provider:* Kiser Engineering, Inc.

Address: 211 North River St., Seguin, TX 78155, Contact: Nathan Kiser, Phone: (512) 372-2570.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/27/89).

Abatement Worker Refresher Course (contingent from 8/24/89).

Contractor/Supervisor (contingent from 3/29/89).

Contractor/Supervisor Refresher Course (contingent from 8/24/89).

(25)(a) *Training Provider:* Lafayette Parish School Board Asbestos Training Program.

Address: P.O. Drawer 2158, Lafayette, LA 70502, Contact: Salvador E. Longo, Phone: (504) 887-3740.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/21/88).

Contractor/Supervisor (contingent from 7/21/88).

(26)(a) *Training Provider:* Lamar University, Hazardous Materials Program.

Address: P.O. Box 10008, Beaumont, TX 77710, Contact: Marion Foster, Phone: (409) 880-2369.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/19/88).

Abatement Worker (full from 4/26/89).

Contractor/Supervisor (contingent from 5/20/88).

Contractor/Supervisor Refresher Course (contingent from 10/24/88).

(27)(a) *Training Provider:* Law Engineering.

Address: 5500 Guhn Rd., Houston, TX 77040, Contact: Richard MacIntyre, Phone: (713) 939-7161.

(b) *Approved Course:*

Abatement Worker (contingent from 3/14/89).

(28)(a) *Training Provider:* Little-Tex Insulation Co., Inc.

Address: 911 North Frio St., San Antonio, TX 78207, Contact: Dan Juepe, Phone: (512) 222-8094.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/1/88).

Contractor/Supervisor (contingent from 8/1/88).

(29)(a) *Training Provider:* Louisiana Laborers Union-AGC Training Fund.

Address: P.O. Box 376, Livonia, LA 70755-0376, Contact: Jamie Peers, Phone: (504) 637-2311.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/15/88).

Abatement Worker Refresher Course (contingent from 4/4/89).

(30)(a) *Training Provider:* Louisiana State University Agricultural & Mechanical College.

Address: 361 Pleasant Hall, Baton Rouge, LA 70803-1520, Contact: Marcia L. Gilman, Phone: (504) 388-6591.

(b) *Approved Courses:*

Abatement Worker (full from 1/1/88).

Abatement Worker Refresher Course (contingent from 11/16/88).

Abatement Worker Refresher Course (full from 3/8/89).



Contractor/Supervisor (contingent from 10/6/87).

Contractor/Supervisor (full from 4/7/88).

Contractor/Supervisor Refresher Course (contingent from 11/16/88).

Contractor/Supervisor Refresher Course (full from 3/6/89).

Inspector/Management Planner (full from 1/18/88).

Inspector/Management Planner Refresher Course (full from 3/7/89).

(31)(a) *Training Provider:* MARTECH International, Inc.

Address: P.O. Box 460, Broussard, LA 70518-0460, Contact: Gary Lawley, Phone: (318) 364-3880.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/17/89).

Contractor/Supervisor (contingent from 1/17/89).

(32)(a) *Training Provider:* Maxim Engineers, Inc.

Address: 2342 Fabens, Dallas, TX 75229, Contact: Kyle B. Dotson, Phone: (214) 247-7575.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/6/89).

Abatement Worker (full from 6/9/89).

(33)(a) *Training Provider:* Meador-Wright & Associates, Inc.

Address: 6211 W. Northwest Hwy., Suite C260, Dallas, TX 75225, Contact: Carl Teel, Phone: (214) 691-3485.

(b) *Approved Course:*

Inspector/Management Planner (full from 10/12/89).

(34)(a) *Training Provider:* Moore-Norman Area Vocational Training School.

Address: 4701-12th Ave., NW, Norman, OK 73069, Contact: Frank Coulter, Phone: (405) 364-5763.

(b) *Approved Courses:*

Abatement Worker (full from 3/3/86).

Abatement Worker Refresher Course (contingent from 5/19/89).

Contractor/Supervisor (full from 3/3/86).

Contractor/Supervisor Refresher Course (contingent from 5/19/89).

Inspector/Management Planner (contingent from 1/25/88).

Inspector/Management Planner (full from 4/4/88).

Inspector/Management Planner Refresher Course (contingent from 5/19/89).

(35)(a) *Training Provider:* Nelson/Imel, Inc.

Address: 3900 Morrison Cir., Norman, OK 73072, Contact: Deborah Nelson, Phone: (405) 364-3278.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).

Abatement Worker Refresher Course (contingent from 11/16/88).

Contractor/Supervisor Refresher Course (contingent from 4/7/89).

(36)(a) *Training Provider:* O'Connor McMahon, Inc.

Address: 1505 Luna Rd., Suite 114, Carrollton, TX 75006, Contact: James M. Walley, Phone: (214) 245-3300.

(b) *Approved Course:*

Abatement Worker (contingent from 7/27/88).

(37)(a) *Training Provider:* Occupational Safety Training Institute.

Address: 9000 West Bellfort, Suite 450, Houston, TX 77031, Contact: Eva Bonilla, Phone: (713) 270-6882.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).

Abatement Worker Refresher Course (contingent from 12/8/88).

Contractor/Supervisor (contingent from 7/27/88).

Contractor/Supervisor (full from 7/27/88).

Contractor/Supervisor Refresher Course (contingent from 12/8/88).

Inspector/Management Planner (contingent from 9/15/88).

(38)(a) *Training Provider:* PAN AM World Services Inc.

Address: P. O. Box 58938, Houston, TX 77258, Contact: Audrey Hall, Phone: (713) 483-7951.

(b) *Approved Course:*

Abatement Worker (contingent from 8/23/89).

(39)(a) *Training Provider:* Protechnics Environmental Services.

Address: 14760 Memorial Dr., Suite 105, Houston, TX 77079, Contact: Hugh Songster, Phone: (713) 496-9874.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/5/89).

Abatement Worker (full from 6/30/89).

Contractor/Supervisor (contingent from 6/22/89).

(40)(a) *Training Provider:* R & H Associates, Inc.

Address: P.O. Box 8948, Albuquerque, NM 87198, Contact: Floyd Rubi, Phone: (505) 275-1045.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/12/89).

Abatement Worker Refresher Course (contingent from 4/20/89).

Contractor/Supervisor (contingent from 1/12/89).

Contractor/Supervisor Refresher Course (contingent from 4/20/89).

Inspector/Management Planner (contingent from 1/12/89).

Inspector/Management Planner Refresher Course (contingent from 4/20/89).

(41)(a) *Training Provider:* RABA-KISTNER Training Institute.

Address: 12821 West Golden Ln., San Antonio, TX 78249, Contact: Don Kirchoff, Phone: (512) 699-9090.

(b) *Approved Course:*

Abatement Worker (contingent from 10/23/89).

(42)(a) *Training Provider:* Region 6 Environmental Training.

Address: P.O. Box 180435, Austin, TX 78718-0435, Contact: Charlotte Ramzel, Phone: (512) 837-9296.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).

Abatement Worker Refresher Course (contingent from 3/2/89).

Contractor/Supervisor (contingent from 7/27/88).

Contractor/Supervisor Refresher Course (contingent from 3/2/89).

(43)(a) *Training Provider:* Regional Environmental Training Center.

Address: 9024 Garland Rd., Dallas, TX 75218, Contact: Lisa Adams, Phone: (214) 328-2928.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 9/1/89).

Inspector/Management Planner (contingent from 9/1/89).

(44)(a) *Training Provider:* Safety & Health Research Institute.

Address: 500 One Gallery Tower, 13355 Noel Rd., P.O. Box 612245, Dallas, TX 75261, Contact: Ted Davis, Phone: (214) 851-3536.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/12/88).

Contractor/Supervisor (contingent from 9/12/88).

Inspector/Management Planner (contingent from 9/12/88).

(45)(a) *Training Provider:* Southeast Arkansas Education Services Cooperative.

Address: U.A.M. - Willard Hall, P.O. Box 3507, Monticello, AR 71655, Contact: Lloyd Crossley, Phone: (501) 367-6848.

(b) *Approved Course:*

Inspector/Management Planner Refresher Course (contingent from 4/11/89).



(46)(a) *Training Provider:* Southwest Environmental Institute.

Address: P.O. Box 295, Abilene, TX 79605. Contact: Tom Dye, Phone: (915) 691-0189.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).

Abatement Worker Refresher Course (contingent from 8/17/89).

Contractor/Supervisor (contingent from 10/20/88).

Contractor/Supervisor Refresher Course (contingent from 8/8/89).

Inspector/Management Planner (contingent from 8/24/89).

(47)(a) *Training Provider:* Texas Engineering Extension Service Building Codes Inspection Training Division.

Address: Texas A & M University System, College Station, TX 77843-8000. Contact: Tom Garner, Phone: (409) 845-6682.

(b) *Approved Courses:*

Abatement Worker (full from 9/28/87).

Contractor/Supervisor (interim from 5/26/86 to 9/13/87).

Contractor/Supervisor (full from 9/14/87).

Contractor/Supervisor Refresher Course (full from 3/2/89).

Inspector/Management Planner (full from 10/19/87).

Inspector/Management Planner Refresher Course (full from 3/1/89).

(48)(a) *Training Provider:* Texas Tech University.

Address: P.O. Box 4369, Lubbock, TX 79409. Contact: Renee Witherspoon, Phone: (806) 742-3876.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 10/31/89).

(49)(a) *Training Provider:* Tulane University, School of Public Health & Tropical Medicine, Dept of Environmental Health Sciences.

Address: 1430 Tulane Ave., New Orleans, LA 70112. Contact: Shau-Wong-Chang, Phone: (504) 588-5374.

(b) *Approved Courses:*

Contractor/Supervisor (interim from 3/17/87 to 9/14/87).

Contractor/Supervisor (full from 9/15/87).

Inspector/Management Planner (contingent from 5/20/88).

(50)(a) *Training Provider:* U.S. Analytical, Inc.

Address: P.O. Box 801, Abilene, TX 79604. Contact: Keith Davis, Phone: (915) 698-3293.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/13/89).

Contractor/Supervisor (contingent from 2/13/89).

(51)(a) *Training Provider:* University of Arkansas at Little Rock Biology Dept. Address: 33rd & University, Little Rock, AR 72204. Contact: Phyllis Moore, Phone: (501) 569-3270.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 8/18/89).

(52)(a) *Training Provider:* University of Arkansas at Little Rock, Labor Education Program.

Address: 2801 South University, Little Rock, AR 72204. Contact: James E. Nickles, Phone: (501) 569-8483.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 9/14/88).

Inspector/Management Planner Refresher Course (contingent from 9/12/88).

(53)(a) *Training Provider:* University of Houston/McClelland Management Services, Inc.

Address: Houston, TX 77204-3901. Contact: Patricia Robinson, Phone: (713) 749-7358.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 5/5/89).

(54)(a) *Training Provider:* University of New Mexico The Environmental Training Center Division of Continuing Education.

Address: 1634 University Blvd. NE, Albuquerque, NM 87131. Contact: Ed Rodriguez, Phone: (505) 277-9060.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/4/89).

Abatement Worker Refresher Course (contingent from 10/5/89).

Contractor/Supervisor (contingent from 6/16/85).

Contractor/Supervisor Refresher Course (contingent from 10/5/89).

Inspector/Management Planner (contingent from 9/19/89).

Inspector/Management Planner Refresher Course (contingent from 10/6/89).

(55)(a) *Training Provider:* University of Texas Health Center at TYLER/Critical Environmental Training, Inc.

Address: P.O. Box 2003, Tyler, TX 75710. Contact: Ronald F. Dodson, Phone: (214) 877-2310.

(b) *Approved Courses:*

Abatement Worker (full from 4/14/88).

Abatement Worker Refresher Course (full from 10/27/88).

Contractor/Supervisor (full from 3/7/88).

Contractor/Supervisor Refresher Course (full from 10/27/88).

Inspector/Management Planner (contingent from 3/21/88).

Inspector/Management Planner (full from 4/15/88).

Inspector/Management Planner Refresher Course (full from 10/27/88).

(56)(a) *Training Provider:* University of Texas at Arlington Civil Engineering Dept.

Address: Box 19308, Arlington, TX 76019. Contact: Vic Argento, Phone: (817) 273-3694.

(b) *Approved Courses:*

Contractor/Supervisor (full from 7/14/86).

Contractor/Supervisor Refresher Course (full from 9/26/88).

Inspector/Management Planner (full from 10/19/87).

Inspector/Management Planner Refresher Course (full from 9/26/88).

(57)(a) *Training Provider:* Veltmann Engineering.

Address: Midland Air Park, P.O. Box 50741, Midland, TX 79710. Contact: Clyde Veltmann, Phone: (915) 683-1874.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).

Contractor/Supervisor (contingent from 7/27/88).

(58)(a) *Training Provider:* Young Insulation Group of Amarillo, Inc.

Address: P.O. Box 5098, Amarillo, TX 79117. Contact: Dennis C. Clayton, Phone: (806) 372-4329.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).

Abatement Worker Refresher Course (contingent from 7/27/88).

*EPA-Approved Training Courses*

*REGION VII -- Kansas City, KS*

*Regional Asbestos Coordinator:* Wolfgang Brandner, EPA, Region VII, 726 Minnesota Ave., Kansas City, KS 66101. (913) 236-2835, (FTS) 757-2835.

*List of Approved Courses:* The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region VII training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* AEROSTAT Environmental Engineering Corporation. Address: 2817 Atchinson Ave., Box 3096, Lawrence, KS 66046. Contact: Joseph Stimac, Phone: (913) 749-4747.



*(b) Approved Courses:*

Abatement Worker (full from 5/9/88).  
 Abatement Worker Refresher Course (contingent from 3/3/89).  
 Abatement Worker Refresher Course (full from 3/16/89).  
 Contractor/Supervisor (full from 5/9/88).  
 Contractor/Supervisor Refresher Course (contingent from 3/3/89).  
 Contractor/Supervisor Refresher Course (full from 3/17/89).  
 Inspector/Management Planner (contingent from 3/14/88).  
 Inspector/Management Planner (full from 1/23/89).  
 Inspector/Management Planner Refresher Course (contingent from 1/13/89).  
 Inspector/Management Planner Refresher Course (full from 2/14/89).

*(2)(a) Training Provider: Abatement Project Training.*

Address: P.O. Box 4372, Kansas City, KS 66104, Contact: Virginia Ireton, Phone: (913) 788-3440.

*(b) Approved Courses:*

Abatement Worker (contingent from 12/15/88).  
 Abatement Worker (full from 4/27/89).  
 Abatement Worker Refresher Course (contingent from 3/27/89).  
 Abatement Worker Refresher Course (full from 4/29/89).  
 Contractor/Supervisor (contingent from 3/23/89).  
 Contractor/Supervisor (full from 4/28/89).  
 Contractor/Supervisor Refresher Course (contingent from 6/21/89).  
 Contractor/Supervisor Refresher Course (full from 6/21/89).

*(3)(a) Training Provider: American Asbestos Training Center, Ltd.*

Address: 529 West First, Monticello, IA 52310, Contact: Steve Intlekofer, Phone: (319) 465-5555.

*(b) Approved Courses:*

Abatement Worker (full from 6/27/89).  
 Abatement Worker Refresher Course (contingent from 6/23/89).  
 Abatement Worker Refresher Course (full from 6/26/89).  
 Contractor/Supervisor (full from 6/27/89).  
 Contractor/Supervisor Refresher Course (contingent from 6/23/89).  
 Contractor/Supervisor Refresher Course (full from 6/26/89).  
 Inspector/Management Planner (contingent from 10/26/88).  
 Inspector/Management Planner (full from 11/18/88).

*(4)(a) Training Provider: Asbestos Consulting Testing (ACT).*

Address: 14953 West 101st Ter., Lenexa, KS 66215, Contact: Jim Pickel, Phone: (913) 492-1337.

*(b) Approved Courses:*

Abatement Worker (full from 1/25/88).  
 Abatement Worker Refresher Course (full from 1/6/89).  
 Contractor/Supervisor (full from 1/25/88).  
 Contractor/Supervisor Refresher Course (full from 1/6/89).

*(5)(a) Training Provider: Baird Scientific, Inc.*

Address: 221 West Fourth St., P.O. Box 842, Carthage, MO 64836, Contact: Mackie Redd, Phone: (417) 358-5587.

*(b) Approved Courses:*

Abatement Worker (contingent from 9/26/89).  
 Contractor/Supervisor (contingent from 9/26/89).

*(6)(a) Training Provider: CHART Services, Ltd.*

Address: 4725 Merle Hay Rd., Suite 214, Des Moines, IA 50322, Contact: Mary A. Finn, Phone: (515) 276-3642.

*(b) Approved Courses:*

Abatement Worker (full from 11/17/87).  
 Abatement Worker Refresher Course (full from 10/17/88).  
 Contractor/Supervisor (full from 11/17/87).  
 Contractor/Supervisor Refresher Course (full from 10/17/88).  
 Inspector/Management Planner (full from 2/22/88).

*(7)(a) Training Provider: Construction Industry Laborers' Training Institute for Eastern Missouri.*

Address: Route 1, Box 79 H, High Hill, MO 63350, Contact: Jerald A. Pelker, Phone: (314) 585-2391.

*(b) Approved Courses:*

Abatement Worker (full from 1/19/88).  
 Abatement Worker Refresher Course (contingent from 5/18/89).  
 Abatement Worker Refresher Course (full from 5/31/89).

*(8)(a) Training Provider: Construction Laborers Building Corp.*

Address: Box 34549, Omaha, NE 68134, Contact: Jack Budd, Phone: (402) 572-0826.

*(b) Approved Course:*

Abatement Worker (full from 11/2/87).

*(9)(a) Training Provider: Educational Innovations.*

Address: 23 West 3rd St., Lee's Summit, MO 64063, Contact: JoAnn Onwiler, Phone: (816) 525-6911.

*(b) Approved Courses:*

Abatement Worker (contingent from 4/11/89).  
 Abatement Worker (full from 5/2/89).  
 Abatement Worker Refresher Course (contingent from 3/29/89).

Abatement Worker Refresher Course (full from 8/2/89).

Contractor/Supervisor (contingent from 4/11/89).

Contractor/Supervisor (full from 5/2/89).

Contractor/Supervisor Refresher Course (contingent from 3/29/89).

Contractor/Supervisor Refresher Course (full from 8/2/89).

Project Designer Refresher Course (contingent from 6/21/89).

Project Designer Refresher Course (full from 7/31/89).

*(10)(a) Training Provider: Enviro-Impact Inspections, Inc.*

Address: 1515 North Warson, Suite 213, St. Louis, MO 63132, Contact: Denis Boles, Phone: (314) 426-0087.

*(b) Approved Courses:*

Abatement Worker (contingent from 3/8/88).

Contractor/Supervisor (contingent from 3/8/88).

*(11)(a) Training Provider: Environmental Salvage, Ltd.*

Address: 25 South 15th St., Suite 6A, Council Bluffs, IA 51501, Contact: Tracey Coats, Phone: (712) 323-1836.

*(b) Approved Courses:*

Abatement Worker (contingent from 1/12/89).

Abatement Worker (full from 2/16/89).

Abatement Worker Refresher Course (contingent from 6/22/89).

Abatement Worker Refresher Course (full from 8/1/89).

Contractor/Supervisor (contingent from 1/12/89).

Contractor/Supervisor (full from 2/16/89).

Contractor/Supervisor Refresher Course (contingent from 6/22/89).

Contractor/Supervisor Refresher Course (full from 8/1/89).

*(12)(a) Training Provider: Environmental Technology, Inc.*

Address: 4315 Merriam Dr., Overland Park, KS 66203, Contact: Mike Bouska, Phone: (913) 236-5040.

*(b) Approved Courses:*

Abatement Worker (full from 2/29/88).

Abatement Worker Refresher Course (contingent from 4/26/89).

Abatement Worker Refresher Course (full from 7/18/89).

*(13)(a) Training Provider: Flint Hills Area Vocational-Technical School.*

Address: 3301 West 18th Ave., Emporia, KS 66801, Contact: Jim Krueger, Phone: (316) 342-6404.

*(b) Approved Course:*

Abatement Worker (full from 3/7/88).



(14)(a) *Training Provider:* General Services Administration (GSA)- Region 6 Safety & Environmental Management Div.

Address: 1500 East Bannister Rd., Kansas City, MO 64131-3088, Contact: Sharon Kersey, Phone: (816) 926-5318.

(b) *Approved Courses:*

Inspector/Management Planner (full from 5/16/88).

Inspector/Management Planner Refresher Course (contingent from 7/18/89).

Inspector/Management Planner Refresher Course (full from 8/29/89).

(15)(a) *Training Provider:* Greater Kansas City Laborers Training Fund.

Address: 8944 Kaw Dr., Kansas City, KS 66111, Contact: James D. Barnett, Phone: (913) 441-6100.

(b) *Approved Courses:*

Abatement Worker (full from 2/1/88).

Abatement Worker Refresher Course (contingent from 6/19/89).

Abatement Worker Refresher Course (full from 7/19/89).

Contractor/Supervisor (full from 5/2/88).

Contractor/Supervisor Refresher Course (contingent from 6/19/89).

Contractor/Supervisor Refresher Course (full from 7/20/89).

(16)(a) *Training Provider:* Hall-Kimbrell Environmental Services.

Address: 4840 West 15th St., Lawrence, KS 66046, Contact: Alice Hart, Phone: (800) 637-0129.

(b) *Approved Courses:*

Abatement Worker (full from 8/17/87).

Abatement Worker Refresher Course (contingent from 9/19/88).

Abatement Worker Refresher Course (full from 10/19/88).

Contractor/Supervisor (full from 8/17/87).

Contractor/Supervisor Refresher Course (contingent from 9/19/88).

Contractor/Supervisor Refresher Course (full from 10/20/88).

Inspector/Management Planner (full from 8/17/87).

Inspector/Management Planner Refresher Course (full from 9/19/88).

Project Designer (full from 8/17/87).

Project Designer Refresher Course (contingent from 9/19/88).

Project Designer Refresher Course (full from 12/20/88).

(17)(a) *Training Provider:* Hazard Control Training Enterprises, Inc.

Address: P.O. Box 20594, Wichita, KS 67208, Contact: Karen Alexander, Phone: (316) 778-1153.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/19/88 to 12/7/88 only).

Contractor/Supervisor (contingent from 10/19/88 to 12/7/88 only).

(18)(a) *Training Provider:* Hazardous Materials Training & Research Institute.

Address: 306 West River Dr., Davenport, IA 52801-1221, Contact: Kirk Barkdoll, Phone: (319) 322-5015.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/6/89).

Abatement Worker (full from 4/13/89).

Contractor/Supervisor (contingent from 6/8/89).

Contractor/Supervisor (full from 7/21/89).

(19)(a) *Training Provider:* Insulators & Asbestos Workers Midwest States Health & Training Council.

Address: Rural Route 2, Wahoo, NE 68086, Contact: Ray Richmond, Phone: (402) 443-4810.

(b) *Approved Courses:*

Abatement Worker (full from 6/28/88).

Abatement Worker Refresher Course (contingent from 4/4/89).

Abatement Worker Refresher Course (full from 4/24/89).

Contractor/Supervisor (full from 6/28/88).

Contractor/Supervisor Refresher Course (contingent from 4/4/89).

Contractor/Supervisor Refresher Course (full from 4/24/89).

(20)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers Local No.1.

Address: 3325 Hallenberg Dr., St. Louis, MO 63044, Contact: James M. Hagen, Phone: (314) 291-7399.

(b) *Approved Courses:*

Abatement Worker (full from 6/6/88).

Abatement Worker Refresher Course (contingent from 6/28/89).

Abatement Worker Refresher Course (full from 6/30/89).

Contractor/Supervisor (full from 9/16/88).

Contractor/Supervisor Refresher Course (contingent from 8/14/89).

(21)(a) *Training Provider:* Iowa Dept. of Education.

Address: Grimes State Office Bldg., Des Moines, IA 50319, Contact: C. Milt Wilson, Phone: (515) 281-4743.

(b) *Approved Course:*

Inspector/Management Planner (full from 4/4/88).

(22)(a) *Training Provider:* Iowa Laborers District Council Training Fund.

Address: 5806 Meredith Dr., Des Moines, IA 50322, Contact: Jack G. Jones, Phone: (515) 270-6965.

(b) *Approved Courses:*

Abatement Worker (full from 2/22/88).

Contractor/Supervisor (contingent from 10/14/88).

(23)(a) *Training Provider:* Kansas Construction Laborers' Training Trust Fund.

Address: 2430 Marlatt Ave., Manhattan, KS 66502, Contact: Fred Tipton, Phone: (913) 267-0140.

(b) *Approved Courses:*

Abatement Worker (full from 1/5/88).

Abatement Worker Refresher Course (contingent from 6/19/89).

Abatement Worker Refresher Course (full from 7/19/89).

Contractor/Supervisor (full from 5/2/88).

Contractor/Supervisor Refresher Course (contingent from 6/19/89).

Contractor/Supervisor Refresher Course (full from 7/20/89).

(24)(a) *Training Provider:* Living Word College.

Address: 2750 McKelvey Rd., St. Louis, MO 63043, Contact: Donald C. Femmer, Phone: (314) 291-2749.

(b) *Approved Course:*

Inspector/Management Planner (full from 4/18/88 to 5/6/88).

Inspector/Management (Approval Revoked 5/7/88).

(25)(a) *Training Provider:* MITON, Inc.

Address: P.O. Box 1582, Branson, MO 65616, Contact: Tony Williams, Phone: (417) 335-6743.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/14/89).

Abatement Worker (full from 5/15/89).

Contractor/Supervisor (contingent from 4/14/89).

Contractor/Supervisor (full from 5/15/89).

Inspector/Management Planner (full from 3/14/88).

Inspector/Management Planner Refresher Course (contingent from 3/30/89).

Inspector/Management Planner Refresher Course (full from 4/3/89).

(26)(a) *Training Provider:* Maple Woods Community College.

Address: 10771 Ambassador Dr., Kansas City, MO 64153, Contact: James C. Lauer, Phone: (816) 891-6500.

(b) *Approved Courses:*

Abatement Worker (full from 2/1/88).

Abatement Worker Refresher Course (full from 1/13/89).

Contractor/Supervisor (full from 3/28/88).

Contractor/Supervisor Refresher Course (full from 1/13/89).

Inspector/Management Planner (contingent from 4/20/88).



Inspector/Management Planner (full from 5/2/88).

Inspector/Management Planner Refresher Course (contingent from 7/27/89).

Inspector/Management Planner Refresher Course (full from 7/28/89).

(27)(a) *Training Provider:* Mayhew Environmental Training Associates, Inc., (META).

Address: P.O. Box 1961, Lawrence, KS 66044, Contact: Brad Mayhew/Betty Fenstermaker, Phone: (800) 444-6382.

(b) *Approved Courses:*

Abatement Worker (full from 10/20/87).

Abatement Worker Refresher Course (full from 11/14/88).

Contractor/Supervisor (contingent from 10/5/87).

Contractor/Supervisor (full from 10/20/87).

Contractor/Supervisor Refresher Course (full from 11/14/88).

Inspector/Management Planner (full from 8/8/88).

Inspector/Management Planner Refresher Course (full from 1/30/89).

(28)(a) *Training Provider:* Midwest Environmental Testing & Training, Inc.

Address: 635 Southwest 2nd St., Box 1029, Lee's Summit, MO 64083, Contact: Steve Minshall, Phone: (816) 525-6681.

(b) *Approved Courses:*

Abatement Worker (full from 5/9/88 to 6/5/89 only).

Abatement Worker Refresher Course (contingent from 4/28/89 to 6/5/89 only).

Contractor/Supervisor (full from 5/9/88 to 6/5/89 only).

Contractor/Supervisor Refresher Course (contingent from 4/28/89 to 6/5/89 only).

(29)(a) *Training Provider:* National Asbestos Training Center University of Kansas.

Address: 6600 College Blvd., Suite 315, Overland Park, KS 66211, Contact: Karen Wilson, Phone: (913) 491-0181.

(b) *Approved Courses:*

Abatement Worker (full from 7/27/87).

Abatement Worker Refresher Course (contingent from 10/5/88).

Abatement Worker Refresher Course (full from 9/26/89).

Contractor/Supervisor (interim from 6/1/85 to 7/26/87).

Contractor/Supervisor (full from 7/27/87).

Contractor/Supervisor Refresher Course (contingent from 10/5/88).

Contractor/Supervisor Refresher Course (full from 1/25/89).

Inspector/Management Planner (full from 10/26/87).

Inspector/Management Planner Refresher Course (contingent from 10/5/88).

Inspector/Management Planner Refresher Course (full from 1/25/89).

(30)(a) *Training Provider:* PSH, Inc.

Address: 1810 Craig Rd., Suite 114, St. Louis, MO 63146, Contact: Carol E. Hoag, Phone: (314) 275-7733.

(b) *Approved Courses:*

Abatement Worker (full from 11/28/88).

Abatement Worker Refresher Course (contingent from 9/14/89).

Contractor/Supervisor (full from 11/28/88).

Contractor/Supervisor Refresher Course (contingent from 9/14/89).

Inspector/Management Planner (full from 6/23/88).

Inspector/Management Planner Refresher Course (contingent from 1/19/89).

Inspector/Management Planner Refresher Course (full from 3/2/89).

(31)(a) *Training Provider:* Performance Abatement Services, Inc.

Address: 14801 West 99th St., P.O. Box 19328, Lenexa, KS 66215, Contact: Robert Bornkessel, Phone: (913) 888-2423.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 7/6/89).

Contractor/Supervisor (full from 7/27/89).

(32)(a) *Training Provider:* Roth Asbestos Consultants, Inc.

Address: 1900 West 47th Pl., Westwood, KS 66205, Contact: Donald J. Welsh, Phone: (913) 831-4795.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/9/89).

Abatement Worker (full from 3/13/89).

Abatement Worker Refresher Course (contingent from 6/15/89).

Contractor/Supervisor (contingent from 5/16/89).

Contractor/Supervisor (full from 7/20/89).

Contractor/Supervisor Refresher Course (contingent from 5/18/89).

Inspector/Management Planner Refresher Course (contingent from 1/19/89).

Inspector/Management Planner Refresher Course (full from 1/23/89).

(33)(a) *Training Provider:* Ryckman's Emergency Action & Consulting Team (REACT).

Address: 2208 Welsch Industrial Ct., St. Louis, MO 63146, Contact: Nicolaus P. Neuman, Phone: (314) 569-0991.

(b) *Approved Courses:*

Abatement Worker (full from 7/26/88).

Abatement Worker Refresher Course (contingent from 4/26/89).

Abatement Worker Refresher Course (full from 8/3/89).

Contractor/Supervisor (full from 7/26/88).

Contractor/Supervisor Refresher Course (contingent from 4/26/89).

Contractor/Supervisor Refresher Course (full from 8/4/89).

#### *EPA-Approved Training Courses REGION VIII -- Denver, CO*

*Regional Asbestos Coordinator:* David Combs, (8AT-TS), EPA, Region VIII, 1 Denver Place, 999-18th St., Suite 500, Denver, CO 80202-2413. (303) 293-1744, (FTS) 564-1744.

*List of Approved Courses:* The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region VIII training courses and contact points for each, are as follows.

(1)(a) *Training Provider:* Acme Asbestos Removal.

Address: 9101 Pearl St., Thornton, CO 80229, Contact: Eugene Aragan, Phone: (303) 450-5028.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/26/89).

Abatement Worker Refresher Course (contingent from 5/31/89).

Contractor/Supervisor (contingent from 7/26/89).

(2)(a) *Training Provider:* Asbestos Training & Supply.

Address: 504 Saddle Dr., Cheyenne, WY 82009, Contact: F. Gerald Blackwell, Phone: (307) 634-6858.

(b) *Approved Course:*

Abatement Worker (contingent from 5/2/89).

(3)(a) *Training Provider:* Chen-Northern, Inc.

Address: 600 South 25th St., Billings, MT 59107, Contact: Kathleen A. Smit, Phone: (406) 248-9161.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/1/87).

Abatement Worker (full from 12/8/87).

Abatement Worker Refresher Course (contingent from 2/16/89).

Contractor/Supervisor (contingent from 10/31/88).

Contractor/Supervisor Refresher Course (contingent from 5/31/89).

(4)(a) *Training Provider:* Colorado Carpenters Statewide Joint



# Apprenticeship Educational & Training Committee.

Address: 4290 Holly St., Denver, CO 80216, Contact: Stephen L. Sanford, Phone: (303) 393-6060.

## (b) Approved Courses:

Abatement Worker (contingent from 12/1/88).

Abatement Worker (full from 12/19/88).

(5)(a) *Training Provider:* Colorado Laborers' & Contractors' Education & Training Fund.

Address: 10505 Havana, Brighton, CO 80601, Contact: James Zancanaro, Phone: (303) 287-3116.

## (b) Approved Courses:

Abatement Worker (contingent from 2/16/89).

Abatement Worker (full from 2/16/89).

(6)(a) *Training Provider:* Colorado State University Dept. of Industrial Sciences.

Address: Fort Collins, CO 80523, Contact: Birgit Wolff, PHD, Phone: (303) 491-1551.

## (b) Approved Courses:

Abatement Worker (contingent from 8/23/88).

Abatement Worker Refresher Course (contingent from 12/29/88).

Contractor/Supervisor (contingent from 12/29/88).

Contractor/Supervisor Refresher Course (contingent from 12/29/88).

Inspector/Management Planner (contingent from 3/14/88).

Inspector/Management Planner (full from 5/23/88).

Inspector/Management Planner Refresher Course (contingent from 12/29/88).

(7)(a) *Training Provider:* Colorado Training Institute.

Address: 1210 East Colfax, Suite 306, Denver, CO 80218, Contact: Mike Schluterbusch, Phone: (303) 860-0574.

## (b) Approved Courses:

Abatement Worker (contingent from 10/31/88).

Abatement Worker Refresher Course (contingent from 12/29/88).

Contractor/Supervisor (contingent from 10/31/88).

Contractor/Supervisor Refresher Course (contingent from 12/29/88).

(8)(a) *Training Provider:* Energy Insulation, Inc. (EII).

Address: P.O. Box 1996, Casper, WY 82602, Contact: David K. Fox, Phone: (307) 473-1247.

## (b) Approved Courses:

Abatement Worker (contingent from 5/18/88).

Abatement Worker (full from 6/22/88).

(9)(a) *Training Provider:* Envir-o-tech.

Address: 300 Moore Ln., Billings, MT 59102, Contact: Dr. Gwen Burton, Phone: (406) 252-7538.

## (b) Approved Course:

Abatement Worker (full from 7/6/88).

(10)(a) *Training Provider:* Front Range Community College.

Address: 3645 West 112 Ave., Westminster, CO 80030, Contact: Gwen Burton, Phone: (303) 466-8811.

## (b) Approved Courses:

Abatement Worker (contingent from 2/28/89).

Abatement Worker (full from 4/7/89).

Abatement Worker Refresher Course (contingent from 2/28/89).

Contractor/Supervisor (contingent from 2/28/89).

Contractor/Supervisor (full from 4/7/89).

Contractor/Supervisor Refresher Course (contingent from 2/28/89).

Inspector/Management Planner (contingent from 2/28/89).

Inspector/Management Planner Refresher Course (contingent from 2/28/89).

(11)(a) *Training Provider:* HWS Technologies, Inc.

Address: 9101 East Kenyon Ave., Suite 1600, Denver, CO 80237, Contact: William C. Oleskevich, Phone: (303) 771-6868.

## (b) Approved Courses:

Abatement Worker (contingent from 2/28/89).

Abatement Worker (full from 4/7/89).

Abatement Worker Refresher Course (contingent from 2/28/89).

Abatement Worker Refresher Course (full from 6/29/89).

Contractor/Supervisor (contingent from 2/28/89).

Contractor/Supervisor (full from 4/7/89).

Contractor/Supervisor Refresher Course (contingent from 2/28/89).

Contractor/Supervisor Refresher Course (full from 6/29/89).

Inspector/Management Planner (contingent from 2/28/89).

Inspector/Management Planner Refresher Course (contingent from 2/28/89).

Inspector/Management Planner Refresher Course (full from 6/29/89).

(12)(a) *Training Provider:* Hager Laboratories, Inc.

Address: 11234 East Caley Ave., Englewood, CO 80111, Contact: Charles Metzger & D. Robinson, Phone: (303) 790-2727.

## (b) Approved Courses:

Abatement Worker (full from 3/28/88).

Abatement Worker Refresher Course (contingent from 10/7/88).

Abatement Worker Refresher Course (full from 4/26/89).

Contractor/Supervisor (full from 3/28/88).

Contractor/Supervisor Refresher Course (contingent from 10/7/88).

Contractor/Supervisor Refresher Course (full from 1/25/89).

Inspector/Management Planner (contingent from 4/20/88).

Inspector/Management Planner (full from 5/2/88).

Inspector/Management Planner Refresher Course (contingent from 10/7/88).

Inspector/Management Planner Refresher Course (full from 4/26/89).

(13)(a) *Training Provider:* Industrial Health, Inc. (IHI).

Address: 640 East Wilmington Ave., Salt Lake City, UT 84106, Contact: Donald E. Marano, Phone: (801) 466-2223.

## (b) Approved Courses:

Abatement Worker (contingent from 1/4/89).

Contractor/Supervisor (contingent from 4/22/88).

Contractor/Supervisor Refresher Course (contingent from 4/24/89).

Inspector/Management Planner (contingent from 2/28/89).

Inspector/Management Planner (full from 4/17/89).

Inspector/Management Planner Refresher Course (contingent from 12/29/88).

Inspector/Management Planner Refresher Course (full from 1/6/89).

Project Designer Refresher Course (contingent from 4/24/89).

(14)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 28.

Address: 360 Acoma St., Suite 216, Denver, CO 80223, Contact: Chet Graham & Pat Pfeifer, Phone: (303) 778-8602.

## (b) Approved Courses:

Abatement Worker (contingent from 2/28/89).

Abatement Worker (full from 4/28/89).

(15)(a) *Training Provider:* Major Safety, Inc.

Address: 1510 Ayr St., Suite 200, Lakewood, CO 80215, Contact: Tom Major Sr., Phone: (303) 424-7874.

## (b) Approved Courses:

Abatement Worker (contingent from 1/28/88).

Abatement Worker (full from 9/15/88).

Abatement Worker Refresher Course (contingent from 1/18/89).

Contractor/Supervisor (contingent from 1/20/89).



Contractor/Supervisor (full from 9/12/89).  
 Contractor/Supervisor Refresher Course (contingent from 1/18/89).  
 Inspector/Management Planner (contingent from 1/2/88).  
 Inspector/Management Planner (full from 3/27/89).  
 Inspector/Management Planner Refresher Course (contingent from 1/18/89).  
 Project Designer (contingent from 1/28/88).  
 Project Designer Refresher Course (contingent from 1/18/89).  
 (16)(a) *Training Provider:* Midwest Asbestos Consultants, Inc. (MAC).  
 Address: 219 23rd St. North, Box 170, Fargo, ND 58107, Contact: Jerry Day, Phone: (701) 280-2286.  
 (b) *Approved Courses:*  
 Abatement Worker (contingent from 8/11/88).  
 Abatement Worker (full from 5/23/89).  
 Abatement Worker Refresher Course (contingent from 7/31/89).  
 (17)(a) *Training Provider:* Misers Inspection & Training, Inc.  
 Address: 1600 South Cherokee St., Denver, CO 80223, Contact: Michael E. DiRito, Phone: (303) 761-0367.  
 (b) *Approved Courses:*  
 Abatement Worker (contingent from 6/17/88).  
 Abatement Worker (full from 7/5/88).  
 Abatement Worker Refresher Course (contingent from 11/14/88).  
 Abatement Worker Refresher Course (full from 1/27/89).  
 Contractor/Supervisor (contingent from 6/17/88).  
 Contractor/Supervisor (full from 7/5/88).  
 Contractor/Supervisor Refresher Course (contingent from 11/14/88).  
 Contractor/Supervisor Refresher Course (full from 1/27/89).  
 (18)(a) *Training Provider:* NATEC International, Inc.  
 Address: 2761 West Oxford Ave., No. 7, Englewood, CO 80110, Contact: Lester Ablin, Phone: (303) 781-0422.  
 (b) *Approved Courses:*  
 Abatement Worker (contingent from 4/15/88).  
 Inspector/Management Planner (contingent from 6/2/89).  
 (19)(a) *Training Provider:* National Education Program for Asbestos (NEPA).  
 Address: 2863 West 8750 S, West Jordan, UT 84088, Contact: Mark A. Kirk, Phone: (801) 565-1400.  
 (b) *Approved Courses:*  
 Abatement Worker (contingent from 3/6/89).

Contractor/Supervisor (contingent from 3/6/89).  
 (20)(a) *Training Provider:* Power Masters, Inc.  
 Address: 13205 South State St., Draper, UT 84020, Contact: Brain Welty, Phone: (801) 571-9321.  
 (b) *Approved Course:*  
 Abatement Worker (contingent from 6/13/88).  
 (21)(a) *Training Provider:* Precision Safety & Services, Inc.  
 Address: 1245 Windemaker Ln., Colorado Springs, CO 80907, Contact: James R. Mapes, Jr., Phone: (719) 593-8596.  
 (b) *Approved Courses:*  
 Abatement Worker (contingent from 8/11/88).  
 Abatement Worker (full from 11/2/88).  
 (22)(a) *Training Provider:* R.S. Christiansen Asbestos Consultant.  
 Address: 4980 Holladay Blvd., Salt Lake City, UT 84117, Contact: R.S. Christiansen, Phone: (801) 572-2910.  
 (b) *Approved Courses:*  
 Abatement Worker (contingent from 7/29/88).  
 Abatement Worker (full from 12/7/88).  
 (23)(a) *Training Provider:* South Dakota State University College of Engineering.  
 Address: Box 2218, Brookings, SD 57007-0597, Contact: James Ceglian, Phone: (605) 688-4101.  
 (b) *Approved Courses:*  
 Contractor/Supervisor (contingent from 5/18/88).  
 Inspector/Management Planner (contingent from 5/18/88).  
 (24)(a) *Training Provider:* Survey Management & Design (SMD).  
 Address: RR 2, Box 85-B, Fargo, ND 58102, Contact: David A. Sohm, Phone: (701) 234-9558.  
 (b) *Approved Courses:*  
 Abatement Worker (contingent from 3/2/89).  
 Contractor/Supervisor (contingent from 3/2/89).  
 Contractor/Supervisor (full from 5/2/89).  
 Inspector/Management Planner (contingent from 9/14/89).  
 (25)(a) *Training Provider:* University of Utah, Rocky Mountain Center for Occupational & Environmental Health.  
 Address: Dept. of Family & Preventive Medicine, Building 512, Salt Lake City, UT 84112, Contact: Jeffery S. Lee & D. Bastian, Phone: (801) 581-5710.  
 (b) *Approved Courses:*  
 Abatement Worker (contingent from 9/27/88).

Contractor/Supervisor (contingent from 6/1/87).  
 Contractor/Supervisor (full from 6/1/87).  
 Contractor/Supervisor Refresher Course (contingent from 6/7/88).  
 Contractor/Supervisor Refresher Course (full from 11/13/88).  
 Inspector/Management Planner (contingent from 12/23/87).  
 Inspector/Management Planner (full from 2/8/88).  
 Inspector/Management Planner Refresher Course (contingent from 12/9/88).  
 Inspector/Management Planner Refresher Course (full from 12/14/88).

#### *EPA-Approved Training Courses REGION IX - San Francisco, CA*

*Regional Asbestos Coordinator:* Jo Ann Semones, (A-4-2), EPA, Region IX, 215 Fremont St., San Francisco, CA 94105. (415) 974-7290, (FTS) 454-7290.

*List of Asbestos Courses:* The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region IX training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* Asbestos C.T.I.  
 Address: P.O. Box 228, Mokelumne Hill, CA 95245, Contact: Lee Hess, Phone: (209) 286-1249.  
 (b) *Approved Courses:*  
 Contractor/Supervisor (contingent from 10/31/88).  
 Inspector (contingent from 3/21/89).  
 (2)(a) *Training Provider:* Asbestos Workers Abatement Training Program of Southern California.  
 Address: 1669 East Lincoln Ave., Orange, CA 92655-1929, Contact: James Riley, Phone: (714) 921-8110.  
 (b) *Approved Courses:*  
 Abatement Worker (contingent from 5/27/88).  
 Contractor/Supervisor (contingent from 1/26/89).  
 (3)(a) *Training Provider:* Carpenters No. 46 Northern California Counties J.A.T.C. & T.B.  
 Address: 2350 Santa Rita Rd., Pleasanton, CA 94566-4190, Contact: Hugh Johnson, Phone: (415) 462-9640.  
 (b) *Approved Course:*  
 Contractor/Supervisor (contingent from 12/1/88).  
 (4)(a) *Training Provider:* Center for Accelerated Learning.



Address: 400 Buck Ave., Suite G,  
Vacaville, CA 95688, Contact: David  
Esparza, Phone: (707) 446-7996.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/  
1/88).

Abatement Worker Refresher Course  
(contingent from 12/15/88).

Contractor/Supervisor (contingent from  
6/1/88).

Contractor/Supervisor Refresher Course  
(contingent from 12/15/88).

Inspector/Management Planner  
(contingent from 6/30/88).

(5)(a) *Training Provider:* DWC  
Consulting Co., Inc.

Address: 1250 Pine St., Suite 307, Walnut  
Creek, CA 94596, Contact: Dan  
Weathers, Phone: (415) 933-9066.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/  
3/89).

Contractor/Supervisor (contingent from  
4/3/89).

Inspector/Management Planner  
(contingent from 4/3/89).

(6)(a) *Training Provider:* Dan Napier &  
Associates.

Address: 15342 Hawthorne Blvd., Suite  
207, P.O. Box 1540, Lawndale, CA  
90260-6440, Contact: Dan Napier,  
Phone: (213) 644-1924.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/  
18/88).

Abatement Worker Refresher Course  
(contingent from 1/18/89).

Contractor/Supervisor (contingent from  
3/27/89).

Contractor/Supervisor Refresher Course  
(contingent from 1/18/89).

Inspector/Management Planner  
(contingent from 4/3/89).

Inspector/Management Planner  
Refresher Course (contingent from 3/  
30/89).

Project Designer Refresher Course  
(contingent from 3/30/89).

(7)(a) *Training Provider:* Diagnostic  
Engineering, Inc.

Address: 50 East Foothill Blvd., Arcadia,  
CA 91006, Contact: Alan M. Lamson,  
Phone: (818) 447-5216.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/  
27/88).

Contractor/Supervisor (contingent from  
6/27/88).

Inspector/Management Planner  
(contingent from 6/27/88).

Inspector/Management Planner  
Refresher Course (contingent from 4/  
18/89).

Project Designer (contingent from 12/1/  
88).

(8)(a) *Training Provider:* EnviroMD,  
Inc.

Address: 3443 East Fort Lowell Rd.,  
Tucson, AZ 85716, Contact: Rose  
Rubio, Phone: (602) 881-1000.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from  
1/17/89).

Inspector/Management Planner  
(contingent from 11/14/88).

(9)(a) *Training Provider:*  
Environmental Control Industries.

Address: 5720 Shattuck Ave., Oakland,  
CA 94609, Contact: Richard  
McGlothlin, Phone: (415) 655-5855.

(b) *Approved Course:*

Abatement Worker (contingent from 12/  
1/88).

(10)(a) *Training Provider:*  
Environmental Sciences, Inc.

Address: 105 E. Speedway, Tucson, AZ  
85705, Contact: Dale Keyes, Phone:  
(602) 792-0097.

(b) *Approved Courses:*

Inspector/Management Planner  
(contingent from 9/29/87).

Inspector/Management Planner (full  
from 10/5/87).

Inspector/Management Planner  
Refresher Course (contingent from 11/  
14/88).

(11)(a) *Training Provider:* Excel  
Environmental, Inc.

Address: 739 Allston Way, Berkeley, CA  
94710, Contact: Otis Wong, Phone:  
(415) 548-4300.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/  
28/87).

Abatement Worker Refresher Course  
(contingent from 12/1/88).

Contractor/Supervisor (contingent from  
6/3/88).

Contractor/Supervisor Refresher Course  
(contingent from 12/1/88).

(12)(a) *Training Provider:* Hawaii  
Laborers Training School.

Address: P.O. Box 457, Aiea, HI 96701,  
Contact: Norman Jimeno, Phone: (808)  
488-6161.

(b) *Approved Course:*

Abatement Worker (contingent from 5/  
27/88).

(13)(a) *Training Provider:* Insulators &  
Asbestos Industry of Northern  
California & Local Union No. 16  
Asbestos Training Fund.

Address: 2033 Clement Ave., Building 31,  
Room 112, Alameda, CA 94501,  
Contact: Hans D. Siebert, Phone: (415)  
865-2292.

(b) *Approved Course:*

Abatement Worker (contingent from 5/  
27/88).

(14)(a) *Training Provider:*  
International Technology Corp.

Address: 336 West Anaheim St.,  
Wilmington, CA 90748, Contact: Keith  
Soebe, Phone: (213) 830-1781.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/  
24/87).

Abatement Worker Refresher Course  
(contingent from 3/29/89).

Contractor/Supervisor (contingent from  
4/15/88).

Contractor/Supervisor Refresher Course  
(contingent from 3/29/89).

(15)(a) *Training Provider:* KELLCO  
Training Institute.

Address: 44814 Osgood Rd., Fremont,  
CA 94539, Contact: Charles W.  
Kellogg, Phone: (415) 659-9751.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/  
1/88).

Contractor/Supervisor (contingent from  
7/20/88).

Contractor/Supervisor Refresher Course  
(contingent from 10/31/88).

Inspector/Management Planner  
(contingent from 3/21/89).

Inspector/Management Planner  
Refresher Course (contingent from 3/  
16/89).

(16)(a) *Training Provider:* Laborers  
Training & Retraining Trust Fund for  
Northern California.

Address: 21321 San Ramon Valley Blvd.,  
San Ramon, CA 94583, Contact: Monte  
R. Strother, Phone: (415) 828-2513.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/  
13/88).

Abatement Worker Refresher Course  
(contingent from 12/15/88).

(17)(a) *Training Provider:* Laborers  
Training & Retraining Trust Fund for  
Southern California.

Address: P.O. Box 76, Anza, CA 92306,  
Contact: Mary Lacy, Phone: (714) 763-  
4341.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/  
30/88).

Abatement Worker Refresher Course  
(contingent from 12/15/88).

(18)(a) *Training Provider:* Lehr  
Training Institute.

Address: 1431 Warner Ave., Tustin, CA  
92680, Contact: Susan Patnode, Phone:  
(714) 259-1575.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/  
16/88).

Abatement Worker Refresher Course  
(contingent from 2/21/89).

Contractor/Supervisor (contingent from  
2/16/88).



Contractor/Supervisor Refresher Course (contingent from 2/21/89).  
 Inspector/Management Planner (contingent from 10/31/88).  
 Inspector/Management Planner Refresher Course (contingent from 2/21/89).

(19)(a) *Training Provider:* National Abatement Technology Employment Center (NATEC).

Address: 11552 Knott St., Suite 8, Garden Grove, CA 92643, Contact: Ronald Sandlin, Phone: (714) 894-7577.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/30/87).

Abatement Worker Refresher Course (contingent from 11/14/88).

Contractor/Supervisor (contingent from 12/30/87).

Contractor/Supervisor Refresher Course (contingent from 11/14/88).

(20)(a) *Training Provider:* National Institute for Asbestos & Hazardous Waste Training.

Address: 1019 West Manchester Blvd., Inglewood, CA 90301, Contact: Jim McFarland, Phone: (213) 645-4516.

(b) *Approved Courses:*

Abatement Worker (full from 12/7/87).

Abatement Worker Refresher Course (contingent from 10/19/88).

Contractor/Supervisor (full from 12/7/87).

Contractor/Supervisor Refresher Course (contingent from 10/19/88).

Inspector/Management Planner (contingent from 6/30/88).

Inspector/Management Planner Refresher Course (contingent from 11/14/88).

(21)(a) *Training Provider:* Naval Civil Engineering Laboratory.

Address: Port Hueneme, CA 93043-5003, Contact: Susan C. Tianen, Phone: (805) 982-5409.

(b) *Approved Course:*

Inspector (contingent from 4/6/89).

(22)(a) *Training Provider:* Occupational Training Institute, Inc.

Address: 5 Civic Center, Suite 225, Newport Beach, CA 92660, Contact: David K. Hardman, Phone: (714) 721-9578.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/21/89).

Abatement Worker Refresher Course (contingent from 2/21/89).

Contractor/Supervisor (contingent from 2/21/89).

Contractor/Supervisor Refresher Course (contingent from 2/21/89).

Inspector/Management Planner (contingent from 2/21/89).

Inspector/Management Planner Refresher Course (contingent from 2/21/89).

(23)(a) *Training Provider:* Pacific Asbestos Information Center U.C. Extension.

Address: 2223 Fulton St., Berkeley, CA 94720, Contact: Debra Dobbin, Phone: (415) 643-7143.

(b) *Approved Courses:*

Contractor/Supervisor (full from 2/2/87).

Contractor/Supervisor Refresher Course (contingent from 10/19/88).

Inspector/Management Planner (full from 11/16/87).

Inspector/Management Planner Refresher Course (contingent from 10/19/88).

(24)(a) *Training Provider:* Salem Kroeger, Inc.

Address: 106 Church St., Roseville, CA 95678, Contact: Owen C. Tilley, Phone: (916) 784-7222.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/30/89).

Abatement Worker Refresher Course (contingent from 4/3/89).

Contractor/Supervisor (contingent from 3/30/89).

Contractor/Supervisor Refresher Course (contingent from 4/3/89).

Inspector Refresher Course (contingent from 4/3/89).

(25)(a) *Training Provider:* San Diego County Construction Laborers Training & Retraining Trust.

Address: 4161 Home Ave., Second Fl., San Diego, CA 92105, Contact: Bob White, Phone: (619) 263-6941.

(b) *Approved Course:*

Abatement Worker (contingent from 3/21/89).

(26)(a) *Training Provider:* San Diego County District Council of Carpenters.

Address: 4665 Mercury St., San Diego, CA 92111, Contact: Otis Kunz, Phone: (619) 571-8977.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/30/89).

Contractor/Supervisor (contingent from 10/31/88).

(27)(a) *Training Provider:* The Asbestos Institute.

Address: 2701 East Camelback, Suite 381, Phoenix, AZ 85018, Contact: William T. Cavness, Phone: (602) 381-0896.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/30/88).

Abatement Worker Refresher Course (contingent from 10/31/88).

Contractor/Supervisor (contingent from 6/13/88).

Contractor/Supervisor Refresher Course (contingent from 3/9/89).

Inspector/Management Planner (contingent from 6/17/88).

Inspector/Management Planner Refresher Course (contingent from 6/16/88).

(28)(a) *Training Provider:* University Associates, Ltd.

Address: 2425-A North Huachuca Dr., Tucson, AZ 85745, Contact: Carolyn Coker, Phone: (602) 624-9366.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 12/1/88).

(29)(a) *Training Provider:* University of Southern California Institute of Safety & Systems Management.

Address: University Gardens, 3500 South Figueroa St., Suite 202, Los Angeles, CA 90007, Contact: James O. Pierce, Phone: (213) 743-6523.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 2/15/88).

Inspector/Management Planner (full from 8/2/88).

Inspector/Management Planner Refresher Course (contingent from 2/23/89).

#### EPA-Approved Training Courses

##### REGION X - Seattle, WA

*Regional Asbestos Coordinator:* Walter Jasper, EPA, Region X, 1200 Sixth Ave. (8T-083), Seattle, WA 98101. (206) 442-4762, (FTS) 399-2870.

*List of Approved Courses:* The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region X training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* Asbestos Services International.

Address: 12360 Southwest Butner Rd., Portland, OR 97225-5815, Contact: Robert E. Hastings, Phone: (503) 644-0246.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 8/23/88).

Inspector/Management Planner (full from 7/17/89).

Inspector/Management Planner Refresher Course (contingent from 10/31/88).

Inspector/Management Planner Refresher Course (full from 1/20/89).



Project Designer (contingent from 10/31/88).

Project Designer (full from 1/17/89).

(2)(a) *Training Provider:* Certified Industrial Hygiene Services, Inc.

Address: 911 Western Ave., Suite 206, Seattle, WA 98104, Contact: Dorothy Stansel, Phone: (206) 622-1096.

(b) *Approved Course:*

Inspector (contingent from 3/25/88).

(3)(a) *Training Provider:* Engineering Continuing Education University of Washington.

Address: GG-13, Seattle, WA 98195, Contact: Susan G. Stone, Phone: (206) 543-5539.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 1/26/88).

Inspector/Management Planner (full from 2/8/88).

(4)(a) *Training Provider:* Environmental Health Sciences Lake Washington Vo-Tech.

Address: 11605 132nd Ave., NE, Kirkland, WA 98034, Contact: Dave Rodewald, Phone: (206) 828-5643.

(b) *Approved Courses:*

Inspector/Management Planner (full from 4/11/88).

Inspector/Management Planner Refresher Course (contingent from 1/14/89).

Inspector/Management Planner Refresher Course (full from 1/27/89).

(5)(a) *Training Provider:* Environmental Management, Inc.

Address: P.O. Box 91477, Anchorage, AK 99509, Contact: Kenneth Johnson, Phone: (907) 272-8056.

(b) *Approved Course:*

Inspector/Management Planner (full from 4/18/88).

(6)(a) *Training Provider:* Hazcon, Inc.

Address: 5950 6th Ave., S, Suite 216, Seattle, WA 98108, Contact: Mike Krause, Phone: (206) 763-7364.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 3/1/88).

Inspector/Management Planner (full from 4/4/88).

Inspector/Management Planner Refresher Course (contingent from 1/18/89).

Inspector/Management Planner Refresher Course (full from 1/30/89).

(7)(a) *Training Provider:* Heavey Engineers, Inc.

Address: 113 Russell St., P.O. Box 832, Stevenson, WA 98648-0832, Contact: Daniel Evans, Phone: (509) 427-8936.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 4/13/88).

Inspector/Management Planner (full from 5/2/88).

Inspector/Management Planner Refresher Course (contingent from 1/18/89).

Inspector/Management Planner Refresher Course (full from 3/10/89).

(8)(a) *Training Provider:* NAC Corporation/Northwest Asbestos Consultants.

Address: 1005 Northwest Galveston, Suite E, Bend, OR 97701, Contact: Dale Schmidt, Phone: (503) 389-9727.

(b) *Approved Courses:*

Inspector/Management Planner Refresher Course (contingent from 4/25/89).

Inspector/Management Planner Refresher Course (full from 7/24/89).

(9)(a) *Training Provider:* Northwest Envirocon, Inc.

Address: 4020 Southeast International Way, Suite C-106, Milwaukie, OR 97222, Contact: Shiela Wanta, Phone: (503) 659-8899.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 4/13/88).

Inspector/Management Planner (full from 5/2/88).

(10)(a) *Training Provider:* PBS Environmental Building Consultants, Inc.

Address: 1220 SouthWest Morrison, Portland, OR 97205, Contact: Stephen Smiley, Phone: (503) 248-1939.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 2/4/88).

Inspector/Management Planner (full from 3/14/88).

Inspector/Management Planner Refresher Course (contingent from 3/14/89).

Inspector/Management Planner Refresher Course (full from 6/30/89).

Project Designer (contingent from 6/9/89).

Project Designer (full from 6/19/89).

(11)(a) *Training Provider:* South East Regional Resource Center, Inc.

Address: 210 Ferry Way, Suite 200, Juneau, AK 99801, Contact: William Suss, Phone: (907) 586-6806.

(b) *Approved Course:*

Inspector/Management Planner Refresher Course (contingent from 4/18/89).

(12)(a) *Training Provider:* Specialized Environmental Consulting, Inc.

Address: P.O. Box 363, Wauna, WA 98395, Contact: Raymond Donahue, Phone: (206) 857-3222.

(b) *Approved Courses:*

Inspector/Management Planner Refresher Course (contingent from 3/7/89).

Inspector/Management Planner Refresher Course (full from 3/20/89).

(13)(a) *Training Provider:* University of Alaska, Mining & Petroleum Training Services.

Address: 155 Smith Way, Suite 104, Soldotna, AK 99669, Contact: Dennis D. Steffy, Phone: (907) 262-2788.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 2/16/88).

Inspector/Management Planner (full from 4/11/88).

Inspector/Management Planner Refresher Course (contingent from 1/14/89).

(14)(a) *Training Provider:* Valley Research Corporation.

Address: 1299 E. 2400 St., Hagerman, ID 83332, Contact: Leon Urie, Phone: (208) 837-6437.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 11/2/88).

(15)(a) *Training Provider:* Washington Association of Maintenance & Operations Administrators, WAMOA.

Address: 12037 Northeast Fifth, Bellevue, WA 98005, Contact: Colin MacRae, Phone: (206) 455-6054.

(b) *Approved Courses:*

Inspector/Management Planner Refresher Course (contingent from 4/25/89).

Inspector/Management Planner Refresher Course (full from 7/24/89).

## V. List of EPA - Accredited Polarized Light Microscopy (PLM) Laboratories

### A. Background

Section 206(d) of Title II requires EPA to provide for the development of an accreditation program through the National Institute of Standards and Technology (NIST), formerly the National Bureau of Standards (NBS), for laboratories conducting analyses of bulk samples of asbestos-containing materials. NIST began initial evaluations of enrolled laboratories in October 1988 and has accredited approximately 550 PLM laboratories to date. NIST will continue to accredit laboratories on a regular basis.

EPA, to initially provide LEAs with a source of accredited laboratories until NIST completed its laboratory evaluations, established the "Interim Asbestos Bulk Sample Analysis Quality Assurance Program." EPA announced the program in the *Federal Register* of September 30, 1987 (52 FR 33470). In the



program, laboratories successfully meeting EPA requirements were provided EPA Interim Accreditation. However, as of October 30, 1989, all EPA Interim Accreditations were removed. EPA published a notice in the *Federal Register* on September 18, 1989 (54 FR 38436), describing the removal process. Specifically, the notice stated all EPA accredited laboratories must receive NIST accreditation by October 30, 1989.

The following listing includes *commercial* and *noncommercial* laboratories currently accredited in the NIST National Voluntary Laboratory Accreditation Program (NVLAP). NIST continues to evaluate the accredited laboratories with ongoing proficiency testing rounds. It is possible some accredited laboratories could lose their accredited status based on their performance in NIST proficiency testing rounds. If this happens, NIST will assign the term "suspended" to the accreditation status of the laboratory. EPA does not consider a suspended accreditation to meet the regulatory requirements for the utilization of an accredited laboratory. Hence, LEAs must not use suspended laboratories. Prior to selecting a laboratory, LEAs should contact NIST at (301) 975-4016 to verify the accredited status of the laboratory. Additional copies of this listing may be obtained by calling (202) 554-1404.

#### EPA Accredited Commercial PLM Laboratories

##### REGION I -- Boston, MA

*Regional Asbestos Coordinator:* Joe DeCola, EPA, Region I, Air and Management Division (APT-2311), JFK Federal Building, Boston, MA 02203. (617) 565-3835, (FTS) 835-3835.

(1) *Laboratory:* Aetna Life & Casualty (NIST), Engineering Department W101.

Address: 575 Pigeon Hill Rd., Windsor, CT 06095, Contact: Ethel Patricio, Phone: (203) 683-3647.

(2) *Laboratory:* Air Quality Consultants (NIST).

Address: 406 Libbey Pkwy., Weymouth, MA 02189, Contact: John E. O'Malley, Phone: (617) 337-7320.

(3) *Laboratory:* Allied Engineering, Inc. (NIST).

Address: 11 Columbia St., Augusta, ME 04330, Contact: Gary Bates, Phone: (207) 623-9299.

(4) *Laboratory:* Analytical Testing Services (NIST).

Address: 180 Weeden St., Pawtucket, RI 02860-1804, Contact: Robert F. Weisberg, Phone: (401) 723-7978.

(5) *Laboratory:* Applied Occupational Health Systems, (NIST).

Address: 29 River Rd., Suite 18, Concord, NH 03301, Contact: Richard R. Kretovich, Phone: (603) 228-3610.

(6) *Laboratory:* Balsam Environmental Consultants, Inc. (NIST).

Address: 225 Western Ave., Augusta, ME 04330, Contact: Frank Hill, Phone: (603) 893-0616.

(7) *Laboratory:* Balsam Environmental Consultants, Inc., (NIST).

Address: 59 Stiles Rd., Salem, NH 03079, Contact: Linda Goodreau, Phone: (603) 893-0616.

(8) *Laboratory:* Barnes and Jarnis, Inc.

Address: 216 Tremont St., Boston, MA 02116, Contact: Albert Szezur, Phone: (617) 542-6521.

(9) *Laboratory:* Briggs Associates, Inc. (NIST).

Address: 400 Hingham St., Rockland, MA 02370, Contact: James Litrides, Phone: (617) 871-6040.

(10) *Laboratory:* Brooks Laboratories, Inc. (NIST).

Address: 44 Codfish Ln., Weston, CT 06883, Contact: Margaret Y. Brooks, Phone: (203) 226-6970.

(11) *Laboratory:* CON-TEST, Inc. (NIST).

Address: 39 Spruce St., East Longmeadow, MA 01028, Contact: Thomas E. Veratti, Phone: (413) 525-1198.

(12) *Laboratory:* CT State Dept. of Health Lab (NIST).

Address: 10 Clinton St., P.O. Box 1689, Hartford, CT 06106, Contact: Janet B. Kapish, Phone: (203) 566-5626.

(13) *Laboratory:* Certified Engineering & Testing Co., Inc. (NIST).

Address: 25 Mathewson Dr., Weymouth, MA 02189, Contact: Kevin Kelley, Phone: (617) 337-7887.

(14) *Laboratory:* Certified Engineering & Testing Co., Inc. of Rhode Island (NIST).

Address: 400 Smith St., Providence, RI 02908, Contact: Maria Stoeckel, Phone: (401) 831-9090.

(15) *Laboratory:* Chem Scope, Inc. (NIST).

Address: P.O. Box 369, Fair Haven Station, New Haven, CT 06513, Contact: Ronald D. Arena, Phone: (203) 468-0055.

(16) *Laboratory:* Covino Environmental Consultants, Inc., (NIST).

Address: 12 Walnut Hill Pk., Woburn, MA 01801, Contact: Samuel J. Covino, Jr., Phone: (617) 933-2555.

(17) *Laboratory:* Dennison Environmental, Inc. (NIST).

Address: 35 Industrial Pkwy., Woburn, MA 01801, Contact: James E. Dennison, Phone: (617) 932-9400.

(18) *Laboratory:* EHL (NIST), Division of Cigna Corp.

Address: 94 Murphy Rd., Hartford, CT 06114, Contact: Jim Kenny, Phone: (203) 522-3814.

(19) *Laboratory:* ESA Laboratories (NIST).

Address: 43 Wiggins Ave., Bedford, MA 01730, Contact: Reg Griffin, Phone: (617) 275-0100.

(20) *Laboratory:* Eastern Analytical Laboratories, Inc., (NIST).

Address: 149 Rangeway Rd., North Billerica, MA 01862, Contact: Robert MacDonald, Phone: (617) 272-5212.

(21) *Laboratory:* Enviro Research (NIST).

Address: 141 Prestige Park Rd., East Hartford, CT 06108, Contact: Arthur C. Cosmas, Phone: (203) 289-6493.

(22) *Laboratory:* Enviro-Lab, Inc. (NIST).

Address: 154 Grove St., Chicopee, MA 01020, Contact: Peter R. Tuttle, Phone: (413) 592-0030.

(23) *Laboratory:* Enviromed Services, Inc. (NIST).

Address: 25 Science Pk., New Haven, CT 06511, Contact: Joseph Pasquariello, Phone: (203) 786-5580.

(24) *Laboratory:* Hunter Environmental Sciences, Inc., (NIST).

Address: 10 Lewis St., P.O. Box 289, Lincoln, MA 01773, Contact: W. Bruce Hunter, Phone: (617) 259-0800.

(25) *Laboratory:* Hygeia, Inc. (NIST).

Address: 303 Bear Hill Rd., Waltham, MA 02154, Contact: John R. Pilling, Phone: (617) 890-4999.

(26) *Laboratory:* Hygienetics Analytical Services, Inc., (NIST).

Address: 150 Causeway St., Boston, MA 02114, Contact: Jack Yee, Sr., Phone: (617) 723-4664.

(27) *Laboratory:* Industrial Hygiene/ New England (NIST).

Address: P.O. Box 1158, Kennebunk, ME 04043, Contact: Lori Burns, Phone: (207) 985-6110.

(28) *Laboratory:* Industrial Hygiene/ New England, Inc., (NIST).

Address: 157 Park St., Bangor, ME 04401, Contact: Peter Noddin, Phone: (207) 947-6645.

(29) *Laboratory:* Kaselann & D'Angelo Associates, Inc., (NIST).

Address: 500 Victory Rd. Suite 270, Marina Bay, MA 02171, Contact: Marianne Rogers, Phone: (617) 472-1330.



(30) *Laboratory*: MMR, Inc. (NIST).  
Address: P.O. Box 810, 241 West  
Boylston St., West Boylston, MA  
01583, Contact: David Krashes, Phone:  
(617) 835-6262.

(31) *Laboratory*: Massachusetts  
Commonwealth (NIST), Div. of  
Occupational Hygiene.

Address: 1001 Watertown St., West  
Newton, MA 02165, Contact: Patricia  
Circone, Phone: (617) 528-0635.

(32) *Laboratory*: Mystic Air Quality  
Consultants (NIST).

Address: 1085 Buddington Rd., Groton,  
CT 06340, Contact: Christopher Eident,  
Phone: (203) 449-8903.

(33) *Laboratory*: New Hampshire Div.  
of Public Health (NIST), Public Health  
Laboratory.

Address: 6 Hazen Dr., Concord, NH  
03301, Contact: Veronica Malmberg,  
Phone: (603) 271-4657.

(34) *Laboratory*: Northeast Test  
Consultants (NIST).

Address: 587 Spring St., Westbrook, ME  
04092, Contact: Stephen Broadhead,  
Phone: (207) 854-3939.

(35) *Laboratory*: Norwich  
Laboratories, Inc. (NIST).

Address: 750 North Pleasant St.,  
Amherst, MA 01002, Contact: Nina  
Inchardi, Phone: (413) 549-6884.

(36) *Laboratory*: R.I. Analytical  
Laboratories Inc., (NIST).

Address: 1040 Mineral Spring Ave.,  
North Providence, RI 02904, Contact:  
Scott Patefield, Phone: (401) 725-4190.

(37) *Laboratory*: Shelburne  
Laboratories, Inc. (NIST).

Address: 74 Ethan Allen Dr., P.O. Box  
9479, South Burlington, VT 05403,  
Contact: Robert J. Emerson, Phone:  
(802) 658-5798.

(38) *Laboratory*: TRC Environmental  
Consultants, Inc., (NIST).

Address: 800 Connecticut Blvd., East  
Hartford, CT 06108, Contact: Paul  
Hunt, Phone: (203) 289-8631.

(39) *Laboratory*: Testwell Craig Labs  
of Connecticut, Inc. (NIST).

Address: 25 Henry St., Bethel, CT 06801,  
Contact: Richard Speciale, Phone:  
(203) 743-7281.

(40) *Laboratory*: The Hartford Steam  
Boiler I & I Co., (NIST), Environmental  
Services Laboratory.

Address: One State St., Hartford, CT  
06102, Contact: Joanne Kuvalanka,  
Phone: (203) 722-5476.

EPA Accredited Commercial PLM  
Laboratories

#### REGION II -- Edison, NJ

Regional Asbestos Coordinator:  
Arnold Freiburger, EPA, Region II,

Woodbridge Ave., Raritan Depot, Bldg.  
5, (MS-500), Edison, NJ 08837. (201) 321-  
6671, (FTS) 340-6671.

(1) *Laboratory*: ASBESCO, Inc. (NIST).  
Address: 961 Lydell Ave., Bldg. 2, Suite  
8, Rochester, NY 14606, Contact:  
Dmitry Tsimberov, Phone: (716) 647-  
2530.

(2) *Laboratory*: ASTECO, Inc. (NIST).  
Address: 4287 Witmer Rd., P.O. Box  
2204, Niagara Falls, NY 14305,  
Contact: Fred Smith, Phone: (716) 297-  
5992.

(3) *Laboratory*: ATC Environmental,  
Inc. (NIST).  
Address: 104 East 25th St., New York,  
NY 10010, Contact: Edwin Levin,  
Phone: (212) 353-8280.

(4) *Laboratory*: Adirondack  
Environmental Services, (NIST).  
Address: 298 Riverside Ave., P.O. Box  
265, Rensselaer, NY 12144, Contact:  
Thomas Hare, Phone: (518) 785-0128.

(5) *Laboratory*: Alternative Ways,  
Inc./AEM, Inc., (NIST).  
Address: P.O. Box 1147, 100 Essex Rd.,  
Bellmawr, NJ 08031, Contact: John  
Luxford, Phone: (609) 933-1663.

(6) *Laboratory*: Ambient Labs, Inc.  
(NIST).  
Address: 119 West 23rd St., New York,  
NY 10011, Contact: William A.  
Esposito, Phone: (212) 962-4242.

(7) *Laboratory*: American Testing  
Labs, Inc. (NIST).  
Address: P.O. Box 102, Bronx, NY 10471,  
Contact: George Kan, Phone: (212) 796-  
4761.

(8) *Laboratory*: Applied  
Environmental Technology, Inc., (NIST).  
Address: 316 Cooper Center,  
Pennsauken, NJ 08109, Contact:  
Willard Kingsley, Phone: (609) 488-  
9200.

(9) *Laboratory*: Applied Geo Services,  
Inc. (NIST).  
Address: 41 Union Square W, Suite 1125,  
New York, NY 10003, Contact: Jeffrey  
A. Forgang, Phone: (212) 633-1113.

(10) *Laboratory*: Atlantic  
Environmental, Inc. (NIST).  
Address: 2 East Blackwell St., Suite 24,  
Dover, NJ 07801, Contact: David  
Pearson, Phone: (201) 366-4660.

(11) *Laboratory*: Barnes & Jarnis, Inc.  
(NIST).  
Address: 373 Park Ave. S, 11th Fl., New  
York, NY 10016-8865, Contact: Jay  
Holmes, Phone: (212) 532-6433.

(12) *Laboratory*: Brad Associates  
(NIST).  
Address: 1 Rosanne Ct., Lake  
Ronkonkoma, NY 11779, Contact:  
Benito P. San Pedro, Phone: (516) 467-  
4539.

(13) *Laboratory*: Briggs Associates,  
Inc. (NIST).  
Address: 361 Hanover St., Portsmouth,  
NJ 03801, Contact: Janice Smith,  
Phone: (603) 431-2870.

(14) *Laboratory*: Buck Engineering &  
Environmental, Laboratory (NIST).  
Address: 100 Tompkins St., Courtland,  
NY 13045, Contact: John H. Buck,  
Phone: (607) 753-3403.

(15) *Laboratory*: Buffalo Testing Labs.,  
Inc. (NIST).  
Address: 902 Kenmore Ave., Buffalo, NY  
14216, Contact: Edward J. Kris, Phone:  
(716) 873-2302.

(16) *Laboratory*: Bulava  
Environmental, Inc. (NIST).  
Address: 13 Hunt Club Rd., Belle Mead,  
NJ 08502, Contact: Edward J. Bulava,  
Phone: (201) 874-6207.

(17) *Laboratory*: Calibrations (NIST).  
Address: 802 Watervliet Shaker Rd.,  
Latham, NY 12210, Contact: Sascha  
Percent, Phone: (518) 786-1865.

(18) *Laboratory*: Certified Engineering  
& Testing Co. of, Upstate New York, Inc.  
(NIST).  
Address: 288 Genesee St., Utica, NY  
13502, Contact: Mark S. Evans, Phone:  
(315) 732-3826.

(19) *Laboratory*: Chenango  
Environmental Laboratory, Inc. (NIST).  
Address: 350 State St., Binghamton, NY  
13901, Contact: Tim Sayers, Phone:  
(607) 723-8175.

(20) *Laboratory*: Clayton  
Environmental Consultants, Inc. (NIST).  
Address: 160 Fieldcrest Ave., Raritan  
Center, Edison, NJ 08837, Contact: Lee  
Schumann, Phone: (201) 225-6040.

(21) *Laboratory*: Comprehensive  
Analytical Group (NIST).  
Address: 147 Midler Park Dr., P.O. Box  
254, Syracuse, NY 13206, Contact:  
Jeffrey Berry, Phone: (315) 432-0855.

(22) *Laboratory*: Dames & Moore  
(NIST).  
Address: 12 Commerce Dr., Cranford, NJ  
07016-1101, Contact: Margaret Lynch,  
Phone: (201) 272-8300.

(23) *Laboratory*: Detail Associates,  
Inc. (NIST).  
Address: 310 Grand St., Engelwood, NJ  
07631, Contact: Stephen A.  
Jaraczewski, Phone: (201) 569-6708.

(24) *Laboratory*: Eastern Analytical  
Services, Inc., (NIST).  
Address: 4 Westchester Plaza, Elmsford,  
NY 10523-1601, Contact: Paul  
Stascavage, Phone: (914) 592-8380.

(25) *Laboratory*: Ecology &  
Environment, Inc. (NIST).



Address: 4285 Genesee St., Buffalo, NY 14225, Contact: Andrew Clifton, Phone: (716) 631-0360.

(26) *Laboratory:* Electron-Microscopy Service, Laboratories, Inc. (NIST).

Address: 108 Haddon Ave., Westmont, NJ 08108, Contact: Peter Frasca, Phone: (609) 858-4800.

(27) *Laboratory:* Environmental Management Systems, Inc., (NIST).

Address: 14 Sarafian Rd., New Paltz, NY 12561, Contact: Martin S. Rutstein, Phone: (914) 255-1034.

(28) *Laboratory:* Exxon Biomedical Sciences, Inc. (NIST), IH Analytical Laboratory.

Address: Mettlers Rd., CN2350, East Millstone, NJ 08875-2350, Contact: John E. Stillman, Phone: (201) 873-6033.

(29) *Laboratory:* Friends Laboratory, Inc. (NIST).

Address: 446 Broad St., Waverly, NY 14892-1445, Contact: Douglas Friend, Phone: (607) 565-2893.

(30) *Laboratory:* Galson Technical Services (NIST).

Address: 6601 Kirkville Rd., East Syracuse, NY 13057, Contact: Joseph Unangst, Phone: (315) 432-0506.

(31) *Laboratory:* Hall-Kimbrell Environmental Services, (NIST).

Address: 129-09 26th Ave., Flushing, NY 11354-1166, Contact: Robert Farley, Phone: (718) 445-9090.

(32) *Laboratory:* Hazardous Waste Engineering, Consultants, Inc. (NIST).

Address: 47 Hudson St., Ossining, NY 10562, Contact: Marco Pedone, Phone: (914) 762-9000.

(33) *Laboratory:* Hillman Environmental Co. (NIST).

Address: 1089 Cedar Ave., Union, NJ 07083, Contact: Joseph P. Hillman, Phone: (201) 686-3335.

(34) *Laboratory:* Hygeia, Inc. (NIST).

Address: 276 Fifth Ave., Suite 503, New York, NY 10001, Contact: Marianne Thorpe, Phone: (212) 545-7822.

(35) *Laboratory:* Independent Asbestos Labs, Inc. (NIST).

Address: 5900 Butternut Dr., East Syracuse, NY 13057, Contact: Fred Terracina, Phone: (315) 437-1122.

(36) *Laboratory:* Independent Testing & Consultation, Inc. (NIST).

Address: 386 Line Rd., P.O. Box 539, Holmdel, NJ 07733, Contact: Anthony Matthews, Phone: (201) 583-2538.

(37) *Laboratory:* Industrial Testing Laboratories (NIST).

Address: 50 Madison Ave., New York, NY 10010, Contact: Kenneth J. Kohlhof, Phone: (212) 685-8788.

(38) *Laboratory:* International Asbestos Testing, Laboratories (IATL) (NIST).

Address: 36 North Pine Ave., Maple Shade, NJ 08052, Contact: Emil M. Ondra, Phone: (609) 779-7792.

(39) *Laboratory:* Kaselaan & D'Angelo Associates, Inc., (NIST).

Address: 515 Grove St., Haddon Heights, NJ 08035, Contact: Marianne Rogers, Phone: (609) 547-6500.

(40) *Laboratory:* Kemron Environmental Services (NIST).

Address: 755 New York Ave., Huntington, NY 11743, Contact: Patricia Kirkland, Phone: (516) 427-0950.

(41) *Laboratory:* Laboratory Testing Services, Inc., (NIST).

Address: 75 Urban Ave., Westbury, NY 11590, Contact: Brian Heneveld, Phone: (516) 334-7770.

(42) *Laboratory:* Lozier Laboratories (NIST).

Address: 23 North Main St., Fairport, NY 14450, Contact: Alan J. Laffin, Phone: (716) 223-0050.

(43) *Laboratory:* Moby II (NIST).

Address: 1615 9th Ave., Bohemia, NY 11716, Contact: Andrew Hiscock, Phone: (516) 467-8477.

(44) *Laboratory:* Monroe Monitoring & Analysis (NIST).

Address: 1425 Mt. Read Blvd., Rochester, NY 14606, Contact: Herbert Dohr, Phone: (716) 546-8580.

(45) *Laboratory:* National Testing Laboratories, Inc., (NIST).

Address: 27-14 39th Ave., Long Island City, NY 11101, Contact: Allen Ross, Phone: (718) 784-2626.

(46) *Laboratory:* New York City, Dept. of Sanitation, (NIST) Environmental Police Laboratory.

Address: 2253 Broadway, Suite 800, New York, NY 10007, Contact: Daniel Millstone, Phone: (212) 240-4800.

(47) *Laboratory:* Northeastern Analytical Corp. (NIST).

Address: Evesham Corporation Center, 4 East Stow Rd., Unit 10, Marlton, NJ 08053, Contact: William Dolan, Phone: (609) 651-1441.

(48) *Laboratory:* OBG Laboratories, Inc. (NIST).

Address: Box 4873, 1304 Buckley Rd., Syracuse, NY 13221, Contact: Michael Gerber, Phone: (315) 457-1494.

(49) *Laboratory:* Omega Laboratories, Inc. (NIST).

Address: 127 Main St., Hackensack, NJ 07601, Contact: John C. Walton, Phone: (201) 393-5647.

(50) *Laboratory:* PMK, Ferris, & Perricone, Inc. (NIST).

Address: 516 Bloy St., Hillside, NJ 07205, Contact: James Ferris, Phone: (201) 686-0044.

(51) *Laboratory:* Pedneault Associates, Inc. (NIST).

Address: 1615 9th Ave., Bohemia, NY 11716, Contact: John Pedneault, Phone: (516) 467-8477.

(52) *Laboratory:* Powell Environmental Services, Inc., (NIST).

Address: Suite 9A, Camp Meeting Grounds, Delanco, NJ 08075, Contact: Michael D. Moschella, Phone: (609) 764-8886.

(53) *Laboratory:* Professional Service Ind., Inc. (NIST).

Address: 423A New Karner Rd., Albany, NY 12205, Contact: Samuel Battaglia, Phone: (518) 452-0777.

(54) *Laboratory:* Public Service Testing Laboratories, Inc. (NIST).

Address: 37-31 57th St., Woodside, NY 11377, Contact: Stephen DiMartino, Phone: (718) 476-9202.

(55) *Laboratory:* R-C-G BOCES Risk Management Services, Lab (NIST).

Address: Brookview Rd., P.O. Box 26, Brookview, NY 12026, Contact: Rajender Abraham, Phone: (518) 732-7266.

(56) *Laboratory:* R.J. Lee Group, Inc. (NIST).

Address: 1741 Baseline Rd., Grand Island, NY 14072, Contact: Kuldrip Chopra, Phone: (716) 773-7625.

(57) *Laboratory:* Suffolk County Public & Env. Health, Lab. (NIST).

Address: Veterans Memorial Hwy., Building 77, Hauppauge, NY 11788, Contact: Ronald Huttie, Phone: (516) 360-5528.

(58) *Laboratory:* TAKA Asbestos Analytical Services, Inc. (NIST), Environmental Testing.

Address: 8 Pine Hill Court, Northport, NY 11768, Contact: Thomas Kubic, Phone: (516) 261-2117.

(59) *Laboratory:* Testwell Craig Lab, Inc. (NIST).

Address: 47 Hudson St., Ossining, NY 10562, Contact: Marco J. Pedone, Phone: (914) 736-1776.

(60) *Laboratory:* Testwell Craig Laboratories of Albany, Inc. (NIST).

Address: 518 Clinton Ave., Albany, NY 12206, Contact: Stanley P. Purzycki, Phone: (518) 436-4114.

(61) *Laboratory:* Testwell Craig Laboratories, Inc., (NIST).

Address: 50 Passaic Ave., Fairfield, NJ 07006, Contact: Tony Poraello, Phone: (201) 882-8377.



(62) *Laboratory*: Testwell Craig Peters, Inc. (NIST).

Address: 127 Seeley Rd., Syracuse, NY 13224, Contact: Walter Peters, Phone: (315) 446-0008.

(63) *Laboratory*: Testwell Craig Testing Laboratories, (NIST).

Address: 565 East Jarding Hwy., P.O. Box 477, Mays Landing, NJ 08330, Contact: James Kelly, Phone: (609) 625-1700.

(64) *Laboratory*: The Analytical Lab (NIST), Safety and Brookhaven National Lab.

Address: Bldg. 535A, Upton, NY 11973, Contact: Jana Kiram Naidu, Phone: (516) 282-4263.

(65) *Laboratory*: U.S. Testing Company, Inc., Environmental Sciences Division (NIST).

Address: 1415 Park Ave., Hoboken, NJ 07030, Contact: Ellen McCabe Noyes, Phone: (201) 792-2400.

#### EPA Accredited Commercial PLM Laboratories

#### REGION III -- Philadelphia, PA

*Regional Asbestos Coordinator*: Carole Dougherty, EPA, Region III (3HW-42), 841 Chestnut Bldg., Philadelphia, PA 19107. (215) 597-3180, (FTS) 597-3160.

(1) *Laboratory*: AGX, Inc. (NIST).

Address: Freedom Professional Bldg., 1341 Old Freedom Rd., Suite 3B, Mars, PA 16048, Contact: Kimberly Allison, Phone: (412) 776-1905.

(2) *Laboratory*: AMA Analytical Services (NIST).

Address: 4475 Forbes Blvd., Lanham, MD 20706, Contact: Len Burrelli, Phone: (800) 459-2640.

(3) *Laboratory*: ASBESTECH Division of AH and M, Carolina, Inc. (NIST).

Address: P.O. Box 98, Dunbar, WV 25064, Contact: Orvie Nicholson, Phone: (304) 766-6224.

(4) *Laboratory*: ATEC Associates of Virginia, Inc., (NIST).

Address: 2551 Eltham Ave., Suite Z, Norfolk, VA 23513, Contact: Richard A. Vogel, Jr., Phone: (804) 857-6765.

(5) *Laboratory*: ATEC Associates, Inc. (NIST), Industrial Hygiene Division.

Address: 8989 Herrmann Dr., Columbia, MD 21045-8780, Contact: Paul A. Esposito, Phone: (301) 381-0232.

(6) *Laboratory*: Accredited Environmental Technologies, Inc. (NIST).

Address: 28 North Pennell Rd., Lima, PA 19037, Contact: Jack Carney, Phone: (215) 891-0114.

(7) *Laboratory*: Advanced Analytical Laboratories, Inc., (NIST).

Address: 30th & North Church St., Hazleton, PA 18201, Contact: Thomas Martinelli, Phone: (717) 455-5115.

(8) *Laboratory*: Air Quality Analysis Associates (NIST).

Address: 1337 Perry Ave., Morgantown, WV 26505, Contact: John T. Jankovic, Phone: (304) 599-0023.

(9) *Laboratory*: Allegheny Asbestos Analysis, Inc., (NIST).

Address: 300 Mt. Lebanon Blvd., Suite 2217, Pittsburgh, PA 15234, Contact: Tammy Nagel, Phone: (412) 563-3744.

(10) *Laboratory*: Allegheny Mountain Research (NIST), Occupational Health Division.

Address: RD 1, Box 243A, Berlin, PA 15530-9546, Contact: Victor Kawchak, Phone: (814) 267-4404.

(11) *Laboratory*: Altest Environmental Labs (NIST).

Address: 28 West Main St., Plymouth, PA 18651, Contact: Frank Egenski, Phone: (717) 779-5377.

(12) *Laboratory*: American Medical Laboratories, Inc., (NIST).

Address: 11091 Main St., Fairfax, VA 22030, Contact: Elsie Sharon, Phone: (703) 691-9100.

(13) *Laboratory*: American Medical Laboratories, Inc., (NIST).

Address: 2000 Brems Rd., Suite 204, Richmond Medical Park, Richmond, VA 23226, Contact: Alton Bartlett, Phone: (703) 691-9100.

(14) *Laboratory*: Analytics (NIST).

Address: P.O. Box 25249, Richmond, VA 23260, Contact: James Calpin, Phone: (804) 353-8973.

(15) *Laboratory*: Analytics Laboratory, Inc. (NIST), Subs. of Roche Biomedical, Laboratories Inc.

Address: 205 South Whiting St., Suite 405, Alexandria, VA 22304, Contact: Eugene Buie, Phone: (703) 751-3803.

(16) *Laboratory*: Analytics Laboratory, Inc. (NIST), Subs. of Roche Biomedical, Laboratories, Inc.

Address: 4625 Pembroke Lake Cir., Virginia Beach, VA 23455, Contact: Christie Buie, Phone: (804) 857-0675.

(17) *Laboratory*: Apex Environmental, Inc. (NIST).

Address: 7652 Standish Pl., Rockville, MD 20855, Contact: Frank G. Fitzpatrick, Phone: (301) 217-9200.

(18) *Laboratory*: Applied Environmental Health & Safety, Inc. (NIST).

Address: Reston International Center, 11800 Sunrise Valley Dr., Suite 1230, Reston, VA 22091, Contact: Jana Ambrose, Phone: (703) 648-0822.

(19) *Laboratory*: BCM Engineers, Inc. (NIST).

Address: 1850 Gravers Rd., Norristown, PA 19401, Contact: Linda Cox, Phone: (215) 275-0281.

(20) *Laboratory*: BCM Engineers, Inc. (NIST).

Address: 5777 Baum Blvd., Pittsburgh, PA 15206, Contact: Paul Jadowiec, Phone: (412) 361-6000.

(21) *Laboratory*: BCM Engineers, Inc. - Potomac (NIST).

Address: 600 W. Service Road, Suite 320, Washington, DC 20041, Contact: Nathan Williamson, Phone: (703) 260-0080.

(22) *Laboratory*: Batta Environmental Associates (NIST).

Address: Delaware Industrial Park, 6 Garfield, Way, Newark, DE 19713-3540, Contact: Steve Cahill, Phone: (302) 737-3376.

(23) *Laboratory*: Biospherics, Inc. (NIST).

Address: 12051 Indian Creek Ct., Beltsville, MD 20705, Contact: Lori Sletten, Phone: (301) 369-3900.

(24) *Laboratory*: Blue Ridge Analytical (NIST).

Address: 202 Bishop Rd., Blacksburg, VA 24060, Contact: David Violette, Phone: (703) 951-9283.

(25) *Laboratory*: Briggs Associates, Inc. (NIST).

Address: 8300 Guilford Rd., Suite E, Columbia, MD 21046, Contact: J. Ross Voorhees, Phone: (301) 381-4434.

(26) *Laboratory*: Brojos Scientific, Inc. (NIST).

Address: 505 Drury Ln., Baltimore, MD 21229, Contact: Robert Olcerst, Phone: (301) 566-0859.

(27) *Laboratory*: Cumberland Analytical Labs., Inc., (NIST).

Address: 56 North Second St., Chambersburg, PA 17201, Contact: D. R. Richner, Jr., Phone: (717) 263-5943.

(28) *Laboratory*: Eagle Industrial Hygiene Association, Incorporated (NIST).

Address: 405 Masons Mill Rd., Huntingdon, PA 19006, Contact: Keith Crawford, Phone: (215) 657-2261.

(29) *Laboratory*: Environmental Testing, Inc. (NIST).

Address: 100 S. Cass Street, Middletown, DE 19709, Contact: Gary Hayes, Phone: (302) 378-9881.

(30) *Laboratory*: FREE-COL Laboratories (NIST).

Address: Cotton Rd., P.O. Box 557, Meadville, PA 16335-0557, Contact: J. Richard Wohler, Phone: (814) 724-6242.



(31) *Laboratory*: Galson Technical Services, Inc. (NIST).

Address: 5170 Campus Dr., Suite 200, Plymouth Meeting, PA 19462, Contact: Pamela Weaver, Phone: (215) 834-7288.

(32) *Laboratory*: Gannett Fleming, Environmental Laboratory (NIST).

Address: 209 Senate Ave., Camp Hill, PA 17011, Contact: David W. Lane, Phone: (717) 763-7211.

(33) *Laboratory*: Geo-Environmental Services, Inc., (NIST).

Address: 18928 Germantown Rd., Germantown, MD 20874, Contact: John T. Razzolini, Phone: (301) 353-0338.

(34) *Laboratory*: HBI-USA (NIST).

Address: 10378 Democracy Lane, Fairfax, VA 22030, Contact: Peter Binnie, Phone: (703) 352-0102.

(35) *Laboratory*: Havens Laboratories, Inc. (NIST).

Address: 1130 East Market Street, Charlottesville, VA 22901, Contact: Stanley Havens, Phone: (804) 293-6000.

(36) *Laboratory*: I-TEM, Ltd. (NIST).

Address: North Lake Commerce Center, 12850 Middlebrook Rd., P.O. Box 1060, Germantown, MD 20874, Contact: Jorge Rangel, Phone: (301) 353-0585.

(37) *Laboratory*: Lancaster Laboratories, Inc. (NIST).

Address: 2425 New Holland Ave., Lancaster, PA 17601, Contact: Barbara J. Weaver, Phone: (717) 656-2301.

(38) *Laboratory*: Lehigh Valley Analytics, Inc. (NIST).

Address: 60 West Broad St., Bethlehem, PA 18018, Contact: Barbara J. Davies, Phone: (215) 866-4434.

(39) *Laboratory*: MDS Laboratories (NIST).

Address: 4418 Pottsville Pike, Reading, PA 19605, Contact: Fred Usbeck, Phone: (215) 921-9191.

(40) *Laboratory*: Marine Chemist Service, Inc. (NIST).

Address: 11850 Tug Boat Ln., Newport News, VA 23606, Contact: Colleen Becker, Phone: (804) 873-0933.

(41) *Laboratory*: Medlab, Inc. (NIST).

Address: P.O. Box 2045, Wilmington, DE 19899, Contact: Sevag Sinanian, Phone: (302) 994-5764.

(42) *Laboratory*: Microbac Laboratories (NIST), Erie Testing Laboratory Division.

Address: 2411 West 26th Street, Erie, PA 16506, Contact: Michael McElhinny, Phone: (814) 833-4790.

(43) *Laboratory*: Microbac Mid-Atlantic (NIST).

Address: 5808 Jefferson Avenue, Newport News, VA 23605, Contact: Anthony Creech, Phone: (804) 874-4930.

(44) *Laboratory*: Occupational Medical Center Lab (NIST).

Address: 4451 Parliament Pl., Lanham, MD 20706, Contact: Christopher Beza, Phone: (301) 306-0632.

(45) *Laboratory*: Oneil M. Banks, Inc. (NIST).

Address: 336 South Main St., Bel Air, MD 21014, Contact: Michelle L. Evans, Phone: (301) 879-4676.

(46) *Laboratory*: Pacific Environmental Services, Inc., (NIST).

Address: 11440 Isaac Newton Sq., Suite 205, Reston, VA 22090, Contact: John Mazur, Phone: (703) 471-8383.

(47) *Laboratory*: Paleozoic Hydrocarbon Industries, Asbestos Lab Division of PHI (NIST).

Address: 132 Oakwood Rd., Charleston, WV 25314, Contact: S. M. Spencer, Jr., Phone: (304) 342-6424.

(48) *Laboratory*: Pennrun Corporation (NIST).

Address: 150 William Pitt Way, Pittsburgh, PA 15238, Contact: Valerie McDonald, Phone: (412) 826-5304.

(49) *Laboratory*: Professional Service Ind., Inc. (NIST), Pittsburgh Testing Lab Division.

Address: 850 Poplar St., Pittsburgh, PA 15220, Contact: Bruce Erdner, Phone: (412) 922-4000.

(50) *Laboratory*: R.J. Lee Group (NIST).

Address: 350 Hochberg Rd., P.O. Box 278, Monroeville, PA 15146, Contact: Ian Stewart, Phone: (412) 325-1776.

(51) *Laboratory*: R.J. Lee Group (NIST).

Address: 10366 Battleview Pkwy., Manassas, VA 22110, Contact: Tom Dagenhart, Phone: (703) 368-7880.

(52) *Laboratory*: SSI Environmental Consultants (NIST).

Address: Expressway Pk., Gulf Lab Rd. - Harmarville, Pittsburgh, PA 15238, Contact: George M. Beck, Phone: (412) 828-9210.

(53) *Laboratory*: Schneider Laboratories, Inc. (NIST).

Address: 1427 West Main St., Richmond, VA 23220-4629, Contact: Richard F. Schneider, Phone: (804) 353-6778.

(54) *Laboratory*: Scientific & Environmental Analytical, Svcs, Inc. (SEAS) (NIST).

Address: 202 Bishop Rd., Blacksburg, VA 23220, Contact: David Violette, Phone: (703) 951-9283.

(55) *Laboratory*: Spotts, Stevens, & McCoy (NIST).

Address: 345 North Wyomissing Blvd., Wyomissing, PA 19610, Contact: Steven Delp, Phone: (215) 376-6581.

(56) *Laboratory*: Structure Probe, Inc. (NIST).

Address: 535 East Gay St., P.O. Box 656, West Chester, PA 19381-0656, Contact: Kim Royer, Phone: (215) 436-5400.

(57) *Laboratory*: Tracor Technology Resources, Inc., (NIST).

Address: 1601 Research Blvd., Rockville, MD 20850, Contact: Stephen Olin, Phone: (301) 984-2751.

(58) *Laboratory*: Versar, Inc. (NIST).

Address: 6850 Versar Center, Springfield, VA 22151, Contact: Marcie Wilson, Phone: (703) 750-3000.

(59) *Laboratory*: Volz Environmental Services (NIST).

Address: 3010 William Pitt Way, Pittsburgh, PA 15238, Contact: George J. Skarupa, Phone: (412) 826-3150.

(60) *Laboratory*: Washington Analytical Lab of VA, Inc., (Mobile Unit) (NIST).

Address: 14214 Coda Place, Chantilly, VA 22021, Contact: Hugh Granger, Phone: (703) 631-6870.

(61) *Laboratory*: Washington Analytical Laboratory, Inc., (NIST).

Address: 14214 Coda Place, Chantilly, VA 22021, Contact: R. Hugh Granger, Phone: (703) 631-6868.

(62) *Laboratory*: Wright Lab Services, Inc. (NIST).

Address: 34 Dogwood Ln., Middletown, PA 17057, Contact: Francine Walker, Phone: (717) 944-5541.

EPA Accredited Commercial PLM Laboratories

#### REGION IV - Atlanta, GA

*Regional Asbestos Coordinator*: Liz Wilde, EPA, Region IV, 345 Courtland St., NE, (4APT-PT), Atlanta, GA 30365. (404) 347-5014, (FTS) 257-5014.

(1) *Laboratory*: ATEC Associates, Inc. (NIST).

Address: 129 West Valley Ave., Birmingham, AL 38209, Contact: David Yates, Phone: (205) 945-9224.

(2) *Laboratory*: ATEC Associates, Inc. (NIST).

Address: 4845 Rosselle St., Jacksonville, FL 32205, Contact: Doug Carvel, Phone: (904) 387-6404.

(3) *Laboratory*: ATEC Associates, Inc. (NIST).

Address: 2990 Northwest 40 St., Miami, FL 33142, Contact: Michael H. Straube, Phone: (305) 633-2700.

(4) *Laboratory*: ATEC Associates, Inc. (NIST), Environmental Services Division.



Address: 1300 Williams Dr., Marietta, GA 30066-6299, Contact: Dwayne Cheatom, Phone: (404) 427-9456.

(5) *Laboratory*: ATEC Environmental Consultants (NIST).

Address: 1535 North Cogswell St., Suite A-5, Rockledge, FL 32955, Contact: Harry L. Capadano, Jr., Phone: (407) 631-6561.

(6) *Laboratory*: Advanced Industrial Hygiene Services, Inc. (NIST).

Address: 2131 Southwest 2nd Ave., Miami, FL 33129, Contact: Bruce Marchette, Phone: (305) 854-7554.

(7) *Laboratory*: American Microscopy Laboratory (NIST).

Address: 29 Heritage Hills, Tuscaloosa, AL 35406, Contact: M. A. Beg, Phone: (205) 345-2555.

(8) *Laboratory*: Analytical & Forensic Associates, (NIST).

Address: 1913 Capri Dr., Huntsville, AL 35811, Contact: John Kilbourne, Phone: (205) 533-3188.

(9) *Laboratory*: Analytical Management, Inc. (NIST).

Address: P.O. Box 11279, Lexington, KY 40574, Contact: David H. McRae, Phone: (606) 231-6511.

(10) *Laboratory*: Apollo Environmental, Inc. (NIST).

Address: 11553 U.S. Highway 41 South, Gibsonton, FL 33534-9720, Contact: Patricia Craig, Phone: (813) 671-3999.

(11) *Laboratory*: Applied Environmental Testing Lab, Inc. (NIST).

Address: 680 Thornton Way, Suite 202, Lithia Springs, GA 30057, Contact: Ali A. Hassani Pak, Phone: (404) 948-4919.

(12) *Laboratory*: Applied Technical Services (NIST).

Address: 1190 Atlanta Industrial Dr., Marietta, GA 30066, Contact: Laurel V. Waters, Phone: (404) 423-1400.

(13) *Laboratory*: Asbestos Analysis and Information, Service (NIST).

Address: P.O. Box 837, Fair Oaks, NC 27524, Contact: Kathy Westbrook, Phone: (919) 894-2804.

(14) *Laboratory*: Azimuth, Inc. (NIST).

Address: P.O. Box 71904, Charleston, SC 29415-1904, Contact: Charles B. Stoyke, Phone: (803) 553-9456.

(15) *Laboratory*: BCM Engineers, Inc. (NIST).

Address: 104 St. Francis St., Suite 400, Mobile, AL 36633, Contact: Sheri Sims, Phone: (205) 433-0517.

(16) *Laboratory*: Bonner Analytical Testing Co. (NIST).

Address: Rt. 14, Box 509, Hattiesburg, MS 39402, Contact: Michael Bonner, Phone: (601) 264-2854.

(17) *Laboratory*: Briggs Associates, Inc. (NIST).

Address: 4401 Vineland Rd., Suite A9, Orlando, FL 32811, Contact: William Newman, Phone: (407) 422-3522.

(18) *Laboratory*: Broward County Environmental Quality Control Board (NIST).

Address: 500 S.W. 14th Court, Ft. Lauderdale, FL 33315, Contact: Kenneth Larson, Phone: (305) 765-5881.

(19) *Laboratory*: CRU, Inc. (NIST).

Address: P.O. Box 24467, Louisville, KY 40224, Contact: Donna M. Ringo, Phone: (502) 426-8860.

(20) *Laboratory*: Carolina Environmental (NIST).

Address: 5104 Suite 201-C Western Blvd., Raleigh, NC 27606, Contact: Dale King, Phone: (919) 859-0477.

(21) *Laboratory*: Cavin Analytical Consultants (NIST).

Address: 2165-k West Park Ct., Stone Mountain, GA 30087-3547, Contact: Joy Cavin, Phone: (404) 498-8295.

(22) *Laboratory*: Certified Engineering and Testing, Co., Inc. (NIST).

Address: 5175 Elmore Rd. Suite 1, Memphis, TN 38134, Contact: Sharon Frase, Phone: (901) 382-6282.

(23) *Laboratory*: Chem-Ray (NIST).

Address: P.O. Box 821, Florence, AL 35631, Contact: James D. Ray, Phone: (205) 776-4345.

(24) *Laboratory*: Chemalytics (NIST).

Address: 300 Doctors Bldg., 33 East Seventh St., Covington, KY 41011, Contact: Kenneth P. Reed, Phone: (606) 431-6224.

(25) *Laboratory*: Clayton Environmental Consultants, Inc. (NIST).

Address: 400 Chastain Center Blvd., NW, Suite 490, Kennesaw, GA 30144, Contact: Owen Crankshaw, Phone: (404) 499-7500.

(26) *Laboratory*: Davis & Floyd, Inc. (NIST).

Address: P.O. Drawer 428, Greenwood, SC 29648, Contact: William J. Day, Phone: (803) 229-5211.

(27) *Laboratory*: EEC, Inc. (NIST).

Address: 2245 North Hills Dr., Suite J, Raleigh, NC 27612, Contact: Mike Scrimanker, Phone: (919) 782-8910.

(28) *Laboratory*: EEC, Inc. (NIST).

Address: 500 Rivermont Rd., P.O. Box 11847, Columbia, SC 29210, Contact: Kevin Ulmer, Phone: (803) 256-7846.

(29) *Laboratory*: EMSL, Inc. (NIST).

Address: 1800 Peachtree St., NW, Suite 305, Atlanta, GA 30309, Contact: John Scarano, Phone: (404) 858-4800.

(30) *Laboratory*: Ecosafe, Inc. (NIST).

Address: 1713 Chapel Hill Rd., Durham, NC 27707, Contact: Steven L. Goode, Phone: (919) 493-2612.

(31) *Laboratory*: Enviro-Chem, Inc. (NIST).

Address: 762 Downtowner Loop W., Mobile, AL 36609, Contact: Charles Smilie, Phone: (205) 344-7711.

(32) *Laboratory*: EnviroSciences, Inc. (NIST).

Address: Montgomery Bldg., Suite 705, P.O. Box 5804, Spartanburg, SC 29304, Contact: Andrew G. Schauder, Phone: (803) 585-4900.

(33) *Laboratory*: Environmental Analytical Labs (NIST).

Address: Cobb Corporate Center/300, 350 Franklin Rd., Marietta, GA 30067, Contact: Jeremy A. Armstrong, Phone: (404) 425-9901.

(34) *Laboratory*: Environmental Health Laboratory (EHL), (NIST), Cigna Loss Control Services.

Address: 3920 Arkwright Rd., Macon, GA 31213, Contact: Jeanne Gibbs, Phone: (912) 471-4544.

(35) *Laboratory*: Environmental Laboratories, Inc., (NIST).

Address: 2496-C Tuckerstone Pkwy., Tucker, GA 30084, Contact: Charles Zollner, Phone: (404) 938-6819.

(36) *Laboratory*: Environmental Materials Consultants, (NIST).

Address: P.O. Box 100161, 2217 10th Ct. S., Suite 200, Birmingham, AL 35210, Contact: Denny Stapp, Phone: (205) 933-0400.

(37) *Laboratory*: Environmental Protection Systems, Inc., (NIST).

Address: 7215 Pine Forest Rd., Pensacola, FL 32506, Contact: Don Gay, Phone: (904) 944-0301.

(38) *Laboratory*: Environmental Protection Systems, Inc., (NIST).

Address: 5360 I-55 North, P.O. Box 20382, Jackson, MS 39209, Contact: Herbert Johnston, Phone: (601) 956-1400.

(39) *Laboratory*: Envirosiences, Inc. (NIST).

Address: 3810-F Merton Dr., Raleigh, NC 27609, Contact: E. R. Childress, Phone: (919) 782-1487.

(40) *Laboratory*: Fiber Lab, Inc. (NIST).

Address: P.O. Box 36726, Birmingham, AL 35236, Contact: David Hayes, Phone: (205) 822-8544.

(41) *Laboratory*: GSC Environmental Laboratories, Inc., (NIST).

Address: 1824 Bi Wylds Rd., Augusta, GA 30909, Contact: Dan Troutman, Phone: (404) 737-0185.

(42) *Laboratory*: Geo-Environmental Services, Inc., (NIST).



Address: 141 West Wieuca Rd., Suite 200A, Atlanta, GA 30342, Contact: Susan Harper, Phone: (404) 257-9303.

(43) *Laboratory:* Harmon Engineering Associates, Inc., (NIST).

Address: 1550 Pumphrey Ave., Auburn, AL 36830-4399, Contact: Roger Thompson, Phone: (205) 821-9250.

(44) *Laboratory:* Health & Hygiene, Inc. (NIST).

Address: 4605-E Dundas Dr., Greensboro, NC 27407, Contact: Sharon P. Lonon, Phone: (919) 854-2303.

(45) *Laboratory:* Hillmann Environmental Co., of Florida (NIST).

Address: 12108 N. 56th St., Tampa, FL 33617, Contact: Mary Hillmann, Phone: (813) 988-1852.

(46) *Laboratory:* Hunter Services, Inc. (NIST).

Address: 14220 W. Newberry Rd. P.O. Box ESE, Gainesville, FL 32607 1703, Contact: Barbara Ross, Phone: (904) 332-3318.

(47) *Laboratory:* International Abatement Management, Inc. (NIST).

Address: 550 North Reo St., Suite 300, Tampa, FL 33609, Contact: Robert B. Greene, Phone: (813) 287-5100.

(48) *Laboratory:* KNL Laboratory Services (NIST).

Address: P.O. Box 1833, Tampa, FL 33601, Contact: Garrett J. McGibbon, Phone: (813) 229-2879.

(49) *Laboratory:* Law Associates, Inc. (NIST).

Address: 114 Town Park Dr., Kennesaw, GA 30144, Contact: Greg Lewars, Phone: (404) 499-6600.

(50) *Laboratory:* Law Engineering (NIST).

Address: 4919 West Laurel St., P.O. Box 24183, Tampa, FL 33623, Contact: Monte Hall, Phone: (813) 879-0750.

(51) *Laboratory:* Law Engineering Testing Co. (NIST).

Address: 501 Minuet Ln., P.O. Box 11297, Charlotte, NC 28220, Contact: R. Glenn Craig, Phone: (704) 523-2022.

(52) *Laboratory:* Law Engineering, Inc. (NIST).

Address: 3608 7th Ct., S. P.O. Box 10244, Birmingham, AL 35202, Contact: R. Michael Hamilton, Phone: (205) 252-9901.

(53) *Laboratory:* Materials Analytical Services, Inc., (NIST).

Address: 3597 Parkway Ln., Suite 250, Norcross, GA 30092, Contact: William Longo, Phone: (404) 448-9030.

(54) *Laboratory:* McCrone Environmental Services, Inc., (NIST).

Address: 1412 Oakbrook Dr., Suite 100, Norcross, GA 30093, Contact:

Harriotte A. Hurley, Phone: (404) 368-9600.

(55) *Laboratory:* Metro Services Laboratory (NIST), Asbestos Control Division.

Address: 6309 Fern Valley Pass, Louisville, KY 40228, Contact: Zonetta English, Phone: (502) 964-0865.

(56) *Laboratory:* Micro Analytical Laboratories, Inc., (NIST).

Address: 3618 Northwest 97th Blvd., Gainesville, FL 32606, Contact: Nancy Dehgan, Phone: (904) 332-1701.

(57) *Laboratory:* Micro-methods, Inc. (NIST).

Address: 6500 Sunplex, Ocean Springs, MS 39564, Contact: Thomas J. Wilson, Phone: (601) 875-6420.

(58) *Laboratory:* NSI - ES Analytical Svcs. Lab (NIST).

Address: 2 Triangle Dr., P.O. Box 12313, RTP, NC 27709-2313, Contact: James A. Jahnke, Phone: (919) 549-0611.

(59) *Laboratory:* PSC Environmental, Inc. (NIST).

Address: 1105 Fitzpatrick Ave., P.O. Box 2605, Opelika, AL 36803-2605, Contact: Fred Moore, Phone: (205) 749-2636.

(60) *Laboratory:* Pace Laboratories, Inc. (NIST).

Address: 5460 Beaumont Center Blvd., Tampa, FL 33634, Contact: Timothy M. Odell, Phone: (813) 884-8268.

(61) *Laboratory:* Pensacola P.O.C., Inc. (NIST).

Address: 109 South 2nd St., Pensacola, FL 32507, Contact: Barbara Svinglin, Phone: (904) 456-4406.

(62) *Laboratory:* Phoenix Environmental Labs (NIST), Division of P.D.R. Engineers, Inc.

Address: 2000 Lindell Ave., Nashville, TN 37203, Contact: Teresa Tichenor, Phone: (615) 298-2065.

(63) *Laboratory:* Pioneer Laboratory, Inc. (NIST).

Address: 11 East Olive Rd., Pensacola, FL 32514, Contact: Paul Canevaro, Phone: (904) 474-1001.

(64) *Laboratory:* Professional Service Ind., Inc. (NIST), PTL/Arribas Division.

Address: 3901 Northwest 29th Ave., Miami, FL 33142, Contact: Mary E. Hamel, Phone: (305) 633-7555.

(65) *Laboratory:* Quality Analytical Services, Inc., (NIST).

Address: 709 West Johnson St., Raleigh, NC 27603, Contact: Eloise Sheats, Phone: (919) 839-0757.

(66) *Laboratory:* Roberts Environmental Services (NIST), MAKO Office Complex.

Address: Highway 24 E., Swansboro, NC 28584, Contact: H. Dan Roberts, Phone: (919) 393-6565.

(67) *Laboratory:* Safety Underwriters Laboratory (NIST).

Address: P.O. Box 20094, Birmingham, AL 35216, Contact: Rebecca Hicks, Phone: (205) 822-3727.

(68) *Laboratory:* Schneider Services International, Inc., (NIST).

Address: Chem Lab MS-340, Arnold AFB, TN 37389, Contact: Jim Thomas, Phone: (615) 454-6573.

(69) *Laboratory:* Schweiger and Associates (NIST).

Address: 2022 Powers Ferry Rd., Suite 180, 4M, Marietta, GA 30339, Contact: Patrick J. Schweiger, Phone: (404) 988-9250.

(70) *Laboratory:* South Carolina Dept. of Health & Environmental Control (NIST), Bureau of Labs.

Address: 8231 Parklane Rd., P.O. Box 2202, Columbia, SC 29202, Contact: Edward Williams, Phone: (803) 737-7003.

(71) *Laboratory:* Southeastern Marine Chemists, Inc., (NIST), Southeastern Chemists' Laboratories.

Address: P.O. Box 8917, Jacksonville, FL 32211, Contact: Joseph W. Newton, Phone: (904) 725-2040.

(72) *Laboratory:* Specialized Assays (NIST).

Address: 210 12th Ave., S., P.O. Box 25110, Nashville, TN 37202, Contact: Kay Williams-Smith, Phone: (615) 255-5786.

(73) *Laboratory:* TEI Environmental, Inc. (NIST).

Address: 308A Pomona Dr., Greensboro, NC 27407, Contact: James Buchanan, Phone: (919) 852-0318.

(74) *Laboratory:* TTL, Inc. (NIST).

Address: 3516 Greensboro Ave., P.O. Box 1128, Tuscaloosa, AL 35403, Contact: Jack E. Davis, Phone: (205) 345-0816.

(75) *Laboratory:* Testwell Craig Laboratories of Florida, Inc. (NIST).

Address: 7104 Northwest 51st St., Miami, FL 33166, Contact: Robert Schuler, Phone: (305) 593-0561.

(76) *Laboratory:* Thornton Laboratories, Inc. (NIST).

Address: 1145 East Cass St., Tampa, FL 33602, Contact: Steve Fickett, Phone: (813) 223-9702.

(77) *Laboratory:* Westinghouse Environmental & Geotechnical Svcs. Inc. (NIST).

Address: 3980 Dekalb Technology Pkwy., Suite 700, Atlanta, GA 30340, Contact: Clint Gilbert, Phone: (404) 452-1911.



(78) *Laboratory:* Westinghouse Environmental & Geotechnical Svcs., Inc. (NIST).

Address: 5909 Breckenridge Pkwy., Suite B, Tampa, FL 33610, Contact: John J. Henderson, Phone: (813) 623-2438.

(79) *Laboratory:* Westinghouse Environmental & Geotechnical Svcs., Inc. (NIST).

Address: 9800-D Southern Pines Blvd., P.O. Box 7668, Charlotte, NC 28217, Contact: Terry Liles, Phone: (704) 523-8910.

(80) *Laboratory:* Westinghouse Environmental & Geotechnical Svcs., Inc. (NIST).

Address: 840 Low Country Blvd., Mt. Pleasant, SC 29464, Contact: Nina G. Marshstein, Phone: (803) 884-0005.

(81) *Laboratory:* Weston-ATC Mobile Facility (NIST).

Address: 1635 Pumphrey Ave., Auburn, AL 36830, Contact: Keith Pass, Phone: (205) 826-6100.

(82) *Laboratory:* Weston-ATC, Inc. (NIST).

Address: 1635 Pumphrey Ave., Auburn, AL 36830-4303, Contact: William Barker, Phone: (205) 826-6100.

EPA Accredited Commercial PLM Laboratories

#### REGION V -- Chicago, IL

*Regional Asbestos Coordinator:* Anthony Restaino, EPA, Region V, 230 S. Dearborn St., (5-SPT-7), Chicago, IL 60604, (312) 886-6003, (FTS) 886-6003.

(1) *Laboratory:* ABS Environmental Labs, Inc. (NIST).

Address: 605 Brookside, Frankfurt, IL 60423, Contact: Arlene B. Smith, Phone: (815) 469-4464.

(2) *Laboratory:* AIRResearch (NIST).

Address: 2969 N. 114th St., Wauwatosa, WI 53222, Contact: James Walsh, Phone: (414) 476-1030.

(3) *Laboratory:* ALEX (NIST).

Address: 485 Frontage Rd., Burr Ridge, IL 60521, Contact: Linda Orr, Phone: (312) 789-6080.

(4) *Laboratory:* ATEC Associates, Inc. (NIST).

Address: 1501 East Main St., Griffith, IN 46319, Contact: Roger S. Berkowitz, Phone: (219) 924-6690.

(5) *Laboratory:* ATEC Associates, Inc. (NIST).

Address: 5150 East 65th St., Indianapolis, IN 46220-4871, Contact: Richard A. Gehlbach, Phone: (317) 849-4990.

(6) *Laboratory:* Affiliated Environmental Services, Inc. (NIST).

Address: 3606 Venice Rd., Sandusky, OH 44870, Contact: Don Dauch, Phone: (419) 627-1974.

(7) *Laboratory:* Air Quality Testing (NIST).

Address: 236 South Washington St., Naperville, IL 60540, Contact: J.D. Stubblefield, Phone: (312) 983-4010.

(8) *Laboratory:* Air Quality Testing, Inc. (NIST).

Address: 1630 Fifth Ave., Suite 541, Moline, IL 61265, Contact: Gerald Hofferth, Phone: (309) 762-1998.

(9) *Laboratory:* AirTech Associates, Inc. (NIST).

Address: 4100 Madison, Lower Level, Suite 4, Hillside, IL 60162, Contact: Mark Watka or Anne Czechorski, Phone: (312) 547-8117.

(10) *Laboratory:* Aires Environmental Services (NIST).

Address: 1550 Hubbard, Batavia, IL 60510, Contact: Cynthia Darling, Phone: (312) 879-3006.

(11) *Laboratory:* Alderink & Associates, Inc. (NIST).

Address: 3221 3 Mile Rd., Grand Rapids, MI 49504, Contact: Carol J. Paxhia, Phone: (616) 791-0730.

(12) *Laboratory:* Alloway Testing (NIST).

Address: 1325 North Cole St., Lima, OH 45801-3415, Contact: John R. Hoffman, Phone: (419) 223-1362.

(13) *Laboratory:* American Analytical Laboratories, (NIST).

Address: 100 Lincoln St., Akron, OH 44308, Contact: Richard E. Moore, Phone: (216) 535-1300.

(14) *Laboratory:* Amoco Oil Co.-Whiting Refinery (NIST), Lab. Services Division.

Address: 2831 Indianapolis Blvd., Whiting, IN 46394, Contact: James Miller, Phone: (219) 473-3075.

(15) *Laboratory:* Anasbestosics Co. (NIST).

Address: 7206 West 90th Pl., Bridgeview, IL 60455, Contact: Gary Kentgen, Phone: (312) 598-2921.

(16) *Laboratory:* Applied Environmental Sciences, Inc., (NIST).

Address: 511 11th Ave. S, Box 220, Minneapolis, MN 55415, Contact: Patrick DiBartolomeo, Phone: (612) 339-5559.

(17) *Laboratory:* Asbestos Compliance Technology, Inc., (NIST).

Address: 4015 Cherry St., Cincinnati, OH 45223, Contact: Tina Schmalz, Phone: (513) 741-1331.

(18) *Laboratory:* Asbestos Control Methods, Inc. (NIST).

Address: 2010 South Carboy Rd., Mount Prospect, IL 60056, Contact: Jeffrey Camplin, Phone: (312) 437-7999.

(19) *Laboratory:* Asbestos Management, Inc. (NIST).

Address: 36700 South Huron St., Suite 104, New Boston, MI 48164, Contact: D. Rex Bleeker, Phone: (313) 961-6135.

(20) *Laboratory:* Asbestos Technology, Inc. (NIST).

Address: 5353 Tacoma Ave., Indianapolis, IN 46220, Contact: Dawn Trigg, Phone: (317) 257-5096.

(21) *Laboratory:* BCA Laboratory (NIST).

Address: 1102 South Main, Bloomington, IL 61701, Contact: Kurt Benckendorf, Phone: (309) 823-7772.

(22) *Laboratory:* Beling Consultants, Inc. (NIST).

Address: 1001-16th St., Moline, IL 61265, Contact: Jeffrey A. Wasson, Phone: (309) 757-9800.

(23) *Laboratory:* Braun Environmental Laboratories, (NIST).

Address: 6800 South Country Rd. 18, P.O. Box 35108, Minneapolis, MN 55435-0108, Contact: Lisa A. Fournelle-Smestad, Phone: (612) 941-5600.

(24) *Laboratory:* Bruce Menkel & Associates, Inc. (NIST).

Address: 235 Industrial Dr., P.O. Box 159, Franklin, OH 45005, Contact: Bruce Menkel, Phone: (513) 746-9300.

(25) *Laboratory:* C.G. Technologies, Inc. (NIST).

Address: 535 Science Dr., Suite B, Madison, WI 53711, Contact: Carol Cannon, Phone: (608) 238-7811.

(26) *Laboratory:* CAE Asbestos (NIST).

Address: 207 North Woodwork Ln., Palatine, IL 60067, Contact: Charles Keenan, Phone: (312) 991-3300.

(27) *Laboratory:* CENCON (CNA Insurance) (NIST).

Address: 333 South Wabash - 3W, Chicago, IL 60604, Contact: Ellen Janka, Phone: (312) 822-6093.

(28) *Laboratory:* Carnow, Conibear and Associates, Ltd., (NIST).

Address: 333 West Wacker Dr., 14th Fl., Chicago, IL 60606, Contact: Steve Wolf, Phone: (312) 782-4486.

(29) *Laboratory:* Chem-Bio Corporation (NIST).

Address: 140 East Ryan Rd., Oak Creek, WI 53154, Contact: Kaye Donlevy, Phone: (414) 764-7005.

(30) *Laboratory:* Clayton Environmental Consultants, Inc. (NIST).

Address: 22345 Roethel Dr., Novi, MI 48050, Contact: Bob Lieckfield, Phone: (313) 344-1770.

(31) *Laboratory:* Cole Associates, Inc. (NIST).

Address: 2211 East Jefferson Blvd., South Bend, IN 46615, Contact:



- Lawrence W. Grauvogel, Phone: (219) 238-4400.
- (32) *Laboratory*: Daily Analytical Laboratories (NIST).  
Address: 1621 West Candletree Dr., Peoria, IL 61614, Contact: Susan J. Naschert, Phone: (309) 692-5252.
- (33) *Laboratory*: DataChem, Inc. (NIST).  
Address: 4388 Glendale-Milford Rd., Cincinnati, OH 45242, Contact: Lance Eggenberger, Phone: (513) 733-5336.
- (34) *Laboratory*: DeLisle Consulting & Laboratories, Inc. (NIST).  
Address: 6946 East North Ave., Kalamazoo, MI 49001, Contact: Brad Shook, Phone: (616) 343-9698.
- (35) *Laboratory*: DeYor Laboratories, Inc. (NIST).  
Address: P.O. Box 3949, 7655 Market St., Suite 2500, Youngstown, OH 44512, Contact: Joseph K. Samuels, Phone: (216) 758-5788.
- (36) *Laboratory*: EIS Environmental Engineers, Inc., (NIST).  
Address: 1701 North Ironwood Dr., South Bend, IN 46635, Contact: H. Stephen Nye, Phone: (219) 277-5715.
- (37) *Laboratory*: ENTELA Engineering Services, Inc., (NIST).  
Address: 4020 West River Dr., Comstock Park, MI 49321, Contact: Cal Van Ooyen, Phone: (616) 784-7774.
- (38) *Laboratory*: ERT Testing Services, Inc. (NIST).  
Address: D.O.H. Professional Bldg., 211 Glendale, Suite 425, Highland Park, MI 48203, Contact: Rose M. Grier, Phone: (313) 865-0600.
- (39) *Laboratory*: Electro Analytical, Inc. (NIST).  
Address: 7118 Industrial Park Blvd., Mentor, OH 44060-5377, Contact: Mitchell E. Fadem, Phone: (216) 951-3514.
- (40) *Laboratory*: Environmental Analytical Labs (NIST).  
Address: 314 South State Ave., Indianapolis, IN 46201, Contact: David W. Hogue, Phone: (317) 269-3618.
- (41) *Laboratory*: Environmental Consultants, Inc. (NIST).  
Address: 1916 North 12th St., P.O. Box 2104, Toledo, OH 43603, Contact: Donald Dick, Phone: (419) 241-7127.
- (42) *Laboratory*: Environmental Enterprises, Inc., (NIST).  
Address: 10147 Springfield Pike, Cincinnati, OH 45215, Contact: Wayne L. Collier, Phone: (513) 772-2818.
- (43) *Laboratory*: Environmental Evaluation & Laboratory Services, Inc. (NIST).  
Address: 225 Parsons St., P.O. Box 1665, Kalamazoo, MI 49005, Contact: A. Clark Kahn, III, Phone: (616) 388-8099.
- (44) *Laboratory*: Environmental Services, Inc. (NIST).  
Address: 1403 Sunset Ter., P.O. Box 385, Western Springs, IL 60558, Contact: Hugh Flack, Phone: (312) 246-2040.
- (45) *Laboratory*: Esstek, Inc. (NIST).  
Address: 17960 Englewood Dr., Middleburg Heights, OH 44130, Contact: Scott F. Linville, Phone: (216) 826-4220.
- (46) *Laboratory*: Fay Goldblatt Laboratories, Inc., (NIST).  
Address: 5225 Old Orchard Rd., Suite 2, Skokie, IL 60077, Contact: Fay Goldblatt, Phone: (708) 965-6333.
- (47) *Laboratory*: Gabriel Laboratories, Inc. (NIST).  
Address: 1421 North Elston Ave., Chicago, IL 60622, Contact: Chris Rollins, Phone: (312) 486-2123.
- (48) *Laboratory*: Gelles Laboratories (NIST).  
Address: 2836 Fisher Rd., Columbus, OH 43204, Contact: S.H. Gelles, Phone: (614) 276-2957.
- (49) *Laboratory*: Hayden Environmental Group, Inc., (NIST).  
Address: 6015 Manning Rd., Miamisburg, OH 45342, Contact: David Robinson, Phone: (513) 866-5908.
- (50) *Laboratory*: IHI Kemron Environmental Services, (NIST).  
Address: 32740 North Western Hwy., Farmington Hills, MI 48018, Contact: Charles O'Bryan, Phone: (313) 626-2426.
- (51) *Laboratory*: IITL/Bascor (NIST).  
Address: 5960 North Milwaukee Ave., Chicago, IL 60646, Contact: Joby H. Burman, Phone: (312) 792-2454.
- (52) *Laboratory*: Industrial Environmental Consultants, (NIST).  
Address: 1760 East Grand River, East Lansing, MI 48823, Contact: Teresa Kenyon, Phone: (517) 351-4002.
- (53) *Laboratory*: Institute for Environmental Assessment, (NIST).  
Address: 2829 Verdale Ave., Anoka, MN 55303, Contact: Richard T. Cox, Phone: (612) 427-5310.
- (54) *Laboratory*: John Mathes & Assoc., Inc. (NIST).  
Address: 210 West Sand Bank Rd., P.O. Box 330, Columbia, IL 62236-0330, Contact: David H. Ward, Phone: (618) 281-7173.
- (55) *Laboratory*: Lyle Laboratories (NIST).  
Address: 41 South Grant Ave., Columbus, OH 43215, Contact: Tom Eggers, Phone: (614) 224-8822.
- (56) *Laboratory*: Martin Marietta Energy Systems, Inc., (NIST).  
Address: Portsmouth Gaseous Diffusion Plant, P.O. Box 628, Piketon, OH 45661, Contact: David Boyd, Phone: (614) 289-2331.
- (57) *Laboratory*: Micro Air, Inc. (NIST).  
Address: 7132 Lakeview Pkwy. West Dr., Indianapolis, IN 46268, Contact: Harold Eitzen, Phone: (317) 293-1533.
- (58) *Laboratory*: Micro Air, Inc. (NIST) (Mobile).  
Address: 7132 Lakeview Pkwy. West Dr., Indianapolis, IN 46268, Contact: Harold Eitzen, Phone: (317) 293-1533.
- (59) *Laboratory*: Micro-Fiber Laboratories, Inc. (NIST).  
Address: 605 Landwehr Rd., Northbrook, IL 60062, Contact: Phillip G. Pekron, Phone: (312) 498-4127.
- (60) *Laboratory*: MicroView Consulting (NIST).  
Address: 416 East Catawba Ave., Akron, OH 44301, Contact: Frank S. Karl, Phone: (216) 773-8330.
- (61) *Laboratory*: Microbac Laboratories, Inc. (NIST), Seaway Industrial Laboratory, Subsidiary.  
Address: 542-544 Conkey St., Hammond, IN 46324, Contact: Karen A. Erny, Phone: (219) 932-1770.
- (62) *Laboratory*: Monarch Analytical Laboratories, Inc., (NIST).  
Address: P.O. Box 2990, Toledo, OH 43606, Contact: Ronald J. Plenzler, Phone: (419) 535-1780.
- (63) *Laboratory*: NATLSCO (NIST).  
Address: Rte. 22 & Kemper Dr., K-2, Long Grove, IL 60049, Contact: Joan Wronski, Phone: (312) 540-2488.
- (64) *Laboratory*: National Petrographic Services, (NIST).  
Address: 4484 Willowbrook Rd., Columbus, OH 43220, Contact: Bonnie Awan, Phone: (614) 459-7360.
- (65) *Laboratory*: Northland Environmental Services, Inc., (NIST).  
Address: P.O. Box 909, Stevens Point, WI 54481, Contact: Robert C. Voborsky, Phone: (715) 341-9699.
- (66) *Laboratory*: Nova Environmental Services, Inc., (NIST).  
Address: 1107 Hazeltine Blvd., Suite 420, Hazeltine Gates, Chaska, MN 55318, Contact: Elizabeth Gardner, Phone: (612) 448-8888.
- (67) *Laboratory*: P.A.T. Services (NIST).  
Address: 133 Hollywood, Peoria, IL 61603, Contact: Cheryl McGuinnis, Phone: (309) 673-5919.



(68) *Laboratory*: PEI Associates, Inc. (NIST).

Address: 11499 Chester Rd., Cincinnati, OH 45246, Contact: Craig Caldwell, Phone: (513) 782-4700.

(69) *Laboratory*: Pace Laboratories, Inc. (NIST).

Address: 1710 Douglas Dr., N., Minneapolis, MN 55422, Contact: Roger Splinter, Phone: (612) 544-5543.

(70) *Laboratory*: Parkland Labs (NIST).

Address: 2935 ClearLake Ave., Springfield, IL 62702, Contact: Harry Stowers, Phone: (217) 525-2935.

(71) *Laboratory*: Particle Data Laboratories, Ltd., (NIST).

Address: 115 Hahn St., Elmhurst, IL 60126, Contact: Ron Sturm, Phone: (312) 832-5658.

(72) *Laboratory*: Pro-Ac Asbestos Services (NIST).

Address: 8711 Reading Rd., Cincinnati, OH 45215, Contact: Fred Schmalz, Phone: (513) 821-0505.

(73) *Laboratory*: RCM Laboratories (NIST).

Address: 4137 Blanchan, Brookfield, IL 60513, Contact: Collen Rifke, Phone: (312) 485-8600.

(74) *Laboratory*: Randolph & Associates, Inc. (NIST).

Address: 5440 North Cumberland Ave., Suite 111, Chicago, IL 60656, Contact: Bruce Stockmeier, Phone: (312) 693-6030.

(75) *Laboratory*: Randolph & Associates, Inc. (NIST).

Address: 8901 North Industrial Rd., Peoria, IL 61615, Contact: Ellen Zuck, Phone: (309) 692-4160.

(76) *Laboratory*: Reed City Hospital (NIST).

Address: 7665 Patterson Rd., P.O. Box 75, Reed City, MI 49677, Contact: James T. Reardon, Phone: (616) 832-3271.

(77) *Laboratory*: Ricerca, Inc. (NIST).

Address: 7528 Auburn Rd, P.O. Box 1000, Painesville, OH 44077-1000, Contact: William O. Butler, Phone: (216) 357-3300.

(78) *Laboratory*: S.E.A., Inc. (NIST).

Address: 7349 Worthington-Galena Rd., Columbus, OH 43085, Contact: Jami J. St. Clair, Phone: (614) 888-4160.

(79) *Laboratory*: Sea Earth & Air Environmental, Consultants, Inc. (NIST).

Address: 5787 North Lincoln Ave., Chicago, IL 60659, Contact: Barbera Carr, Phone: (312) 878-8337.

(80) *Laboratory*: Seaway Environmental Labs (NIST).

Address: 542 Conkey St., Hammond, IN 46532, Contact: Karen Erny, Phone: (219) 932-1770.

(81) *Laboratory*: Sierra Analytical & Consulting, Services, Inc. (NIST).

Address: 307 N. 1st St., Ann Arbor, MI 48103, Contact: Dave Nelson, Phone: (313) 662-1155.

(82) *Laboratory*: Stat Analysis Corporation (NIST).

Address: 2201 West Campbell Park Dr., Chicago, IL 60612-3501, Contact: David E. Schwartz, Phone: (312) 733-0551.

(83) *Laboratory*: Stilson Laboratories, Inc. (NIST).

Address: 170 North High St., Columbus, OH 43215, Contact: W. Martin Bell, Phone: (614) 228-4385.

(84) *Laboratory*: Suburban Environmental Consultants, Ltd. (NIST).

Address: 18031 Dixie Hwy., Homewood, IL 60430, Contact: Henry G. Gooday, Jr., Phone: (312) 335-1808.

(85) *Laboratory*: TEM, Inc. (NIST).

Address: 443 Duane St., Glen Ellyn, IL 60137, Contact: James Tuinenga, Phone: (312) 790-0880.

(86) *Laboratory*: Testing Engineers & Consultants, Inc., (NIST).

Address: 933 West Jolly Rd., Lansing, MI 48909, Contact: James Hollenbeck, Phone: (517) 887-0628.

(87) *Laboratory*: Testing Engineers & Consultants, Inc., (NIST).

Address: 3816 Carpenter Rd., Pittsfield Township, MI 48197, Contact: Dawn Brennan, Phone: (313) 971-0030.

(88) *Laboratory*: Testing Engineers and Consultants, Inc. (NIST).

Address: P.O. Box 249, 1333 Rochester Rd., Troy, MI 48099, Contact: Matthew Skeels, Phone: (313) 588-6200.

(89) *Laboratory*: Thermo Analytical, Inc. (NIST).

Address: 7314 West 90th St., Bridgeview, IL 60455, Contact: Frank P. DeFranza, Phone: (312) 430-1112.

(90) *Laboratory*: Thermo Analytical, Inc./ERG (NIST).

Address: 525 Avis Dr., Suite 7, Ann Arbor, MI 48108, Contact: Fred Fenner, Phone: (313) 662-3104.

(91) *Laboratory*: Tremco (NIST).

Address: 10701 Shaker Blvd., Cleveland, OH 44104, Contact: Charles J. Kalocz1, Phone: (216) 292-5000.

(92) *Laboratory*: Tri-State Laboratories, Dept. of Environmental Services, (NIST).

Address: 19 East Front St., Youngstown, OH 44503, Contact: Bari Lateef, Phone: (216) 746-8800.

(93) *Laboratory*: Twin City Testing Corporation (NIST).

Address: 662 Cromwell Ave., St. Paul, MN 55114, Contact: Rennie Smith, Phone: (612) 649-5000.

(94) *Laboratory*: United Analytical Services, Inc., (NIST).

Address: 4410 West Roosevelt Rd., Suite 101, Hillside, IL 60162, Contact: Patrick Fosnacht, Phone: (312) 449-0070.

(95) *Laboratory*: Wadsworth/Alert Laboratories (NIST).

Address: P.O. Box 31454, Cleveland, OH 44131, Contact: Dale Mori, Phone: (216) 642-9151.

(96) *Laboratory*: Walker & Ward (NIST).

Address: 2803 B N. St. Joseph Ave., Evansville, IN 47712, Contact: Roger Ward, Phone: (812) 421-1900.

(97) *Laboratory*: Wausau Insurance Companies, Environmental Health Laboratory, (NIST).

Address: 2000 Westwood Dr., Wausau, WI 54401, Contact: Thomas Stavros, Phone: (715) 842-6810.

(98) *Laboratory*: Wisconsin Occupational Health Labs, (NIST).

Address: 979 Jonathon Dr., Madison, WI 53713, Contact: Richard Zimmerman, Phone: (608) 263-8807.

(99) *Laboratory*: Zimmerlin Consulting Group (NIST).

Address: 3420 East 96th St., Suite A, Indianapolis, IN 46240, Contact: Daniel J. Smith, Phone: (317) 574-0848.

(100) *Laboratory*: Zimmerlin Consulting Group (NIST).

Address: 3082 Brown Park Dr., Suite D, P.O. Box 357, Hilliard, OH 43026-0357, Contact: William Zimmerlin, Phone: (614) 876-1153.

EPA Accredited Commercial PLM Laboratories

#### REGION VI -- Dallas, TX

*Regional Asbestos Coordinator*: John West, 6T-PT, EPA, Region VI, 1445 Ross Avenue, Dallas, TX 75202-2733. (214) 655-7244, (FTS) 255-7244.

(1) *Laboratory*: ACI & Associates (NIST).

Address: 2100 Road to Six Flags E., Arlington, TX 76011, Contact: Dan Weeks, Phone: (817) 282-9929.

(2) *Laboratory*: ATEC Associates, Inc. (NIST).

Address: 11356 Mathis Ave., Dallas, TX 75299-3157, Contact: Jim Hutchins, Phone: (214) 243-8931.

(3) *Laboratory*: Accumin Analysis, Inc. (NIST).



Address: 323 Hollyvale Dr., Houston, TX 77060, Contact: William McHale, Phone: (713) 931-1131.

(4) *Laboratory*: Aegis Associates - El Paso (NIST).

Address: 1260 Hawkins, Suite 120, El Paso, TX 79925, Contact: Michael Fernandez, Phone: (915) 592-6556.

(5) *Laboratory*: Aegis Associates, Inc. (NIST).

Address: 12015 Park 35 Circle, Suite 125, Austin, TX 78753-1807, Contact: Jimmie Bolton, Phone: (512) 835-8052.

(6) *Laboratory*: Aer-Aqua Lab, Inc./ Accredited, Industrial Hygienists, Inc. (NIST).

Address: 211 E. Shaw, Pasadena, TX 77506, Contact: Mary Heusel, Phone: (713) 477-8101.

(7) *Laboratory*: Allied Enviro Engineering Inc. (NIST).

Address: 1450 Empire Central, Suite 116, Dallas, TX 75247, Contact: Thomas Palet, Phone: (214) 631-0862.

(8) *Laboratory*: Allied Enviro Engineering, Inc. (NIST).

Address: 1450 Empire Central, Suite 116, Dallas, TX 75247, Contact: Thomas J. Palet, Phone: (214) 631-0862.

(9) *Laboratory*: Arkansas Department of Health (NIST).

Address: 4815 West Markham St., Little Rock, AR 72205, Contact: Stan Faulk, Phone: (501) 661-2389.

(10) *Laboratory*: Assaigai Analytical Laboratories, (NIST).

Address: 7300 Jefferson, NE, Albuquerque, NM 87109, Contact: Dean Dupree, Phone: (505) 345-8964.

(11) *Laboratory*: Building Environmental Systems, Inc., (NIST).

Address: 3501 North MacArthur, Suite 400B, Irving, TX 75062, Contact: Amy L. Smith, Phone: (214) 257-0787.

(12) *Laboratory*: Central Analytical Laboratories, Inc., (NIST).

Address: 2600 Marietta Ave., Kenner, LA 70062, Contact: David R. Lasater, Phone: (504) 469-3511.

(13) *Laboratory*: Chemtex Environmental Laboratory, (NIST).

Address: 3082 25th Street, Port Arthur, TX 77642, Contact: C.N. Reddy, Phone: (409) 983-4575.

(14) *Laboratory*: Conoco Analytical Labs (NIST).

Address: 1000 South Pine, Ponca City, OK 74603, Contact: Gary Keen, Phone: (405) 767-2468.

(15) *Laboratory*: Core Labs (NIST).

Address: 2417 West Pinhook Rd., Lafayette, LA 70508-3344, Contact: Richard Tietz, Phone: (318) 232-8042.

(16) *Laboratory*: Diversified Environmental, Technologies, Inc. (NIST).

Address: 132 West Main, Norman, OK 73069, Contact: Dan Tutt, Phone: (405) 360-7929.

(17) *Laboratory*: EEG, Inc. (NIST).

Address: 1305 E. Main, Russellville, AR 72801, Contact: Anne Woker, Phone: (501) 966-6767.

(18) *Laboratory*: ENSR Consulting & Engineering (NIST).

Address: 2925 Richmond Ave., Houston, TX 77098, Contact: Sandy Bialas, Phone: (713) 520-1495.

(19) *Laboratory*: East Texas Testing Laboratory, Inc., (NIST).

Address: 1717 East Erwin, Tyler, TX 75702, Contact: Gary G. LaFrance, Phone: (214) 595-4421.

(20) *Laboratory*: Environmental Analysis, Inc. (NIST).

Address: 914 Barber Street, Little Rock, AR 72202, Contact: Phillip Young, Phone: (501) 374-7837.

(21) *Laboratory*: Environmental Monitoring Service, Inc., (NIST).

Address: 12731 Research B.vd., Bldg. A, Austin, TX 78759, Contact: Rick Pruet, Phone: (512) 335-9116.

(22) *Laboratory*: Environmental Monitoring Service, Inc., (NIST).

Address: 342 Twin City Hwy., Port Neches, TX 77651, Contact: Don Duplechian, Phone: (409) 727-7778.

(23) *Laboratory*: Environmental Research Institute, Inc., (NIST).

Address: P.O. Box 2024, Tyler, TX 75710, Contact: Thomas R. McKee, Phone: (214) 877-9314.

(24) *Laboratory*: Environmental Services Co., Inc., (NIST).

Address: 13715 West Markham, Little Rock, AR 72211, Contact: James Brown, Phone: (501) 221-2565.

(25) *Laboratory*: Envirotest, Inc. (NIST).

Address: P.O. Box 42812-414, Houston, TX 77042, Contact: Daniel J. Gerhardt, Phone: (713) 782-4101.

(26) *Laboratory*: Geo-Environmental Services, Inc., (NIST), Austin Office.

Address: 7801 North Lamar, Suite 185E, Austin, TX 78752, Contact: John Johnson, Phone: (512) 454-5222.

(27) *Laboratory*: Hanby Analytical Laboratories, Inc., (NIST).

Address: 4400 South Wayside 107, Houston, TX 77087, Contact: Duane Salinas, Phone: (713) 649-4500.

(28) *Laboratory*: Hanby Analytical Laboratories, Inc./, Mobile Unit (NIST).

Address: 4400 South Wayside St., Suite 107, Houston, TX 77087, Contact: John D. Hanby, Phone: (713) 649-4500.

(29) *Laboratory*: Huey, Martin, & Associates (NIST).

Address: 5613 Bruyninckx Rd., Alexandria, LA 71303, Contact: Ben F. Martin, Phone: (318) 473-6446.

(30) *Laboratory*: IHST (NIST).

Address: 17480 Dallas Pkwy., Suite 111, Dallas, TX 75287, Contact: Tracy Bramlett, Phone: (214) 248-9110.

(31) *Laboratory*: Kemron Environmental Services (NIST).

Address: 16550 Highland Rd., Baton Rouge, LA 70810, Contact: Thomas Bauckham, Phone: (504) 293-8650.

(32) *Laboratory*: Kiser Engineering, Inc. (NIST).

Address: 211 North River St., Sequin, TX 78155, Contact: Rick Kirkpatrick, Phone: (800) 426-2102.

(33) *Laboratory*: Law Engineering Testing Co. (NIST).

Address: 5500 Guhn Rd., Houston, TX 77040, Contact: C. H. Byrd, Phone: (713) 939-7161.

(34) *Laboratory*: Marshall Environmental Management, (NIST).

Address: 3801 Northwest 63rd St., Suite 162, Oklahoma City, OK 73116, Contact: Charles L. Marshall, Phone: (405) 842-3415.

(35) *Laboratory*: Maxim Engineers, Inc. (NIST).

Address: 11601 North Lamar, Austin, TX 78753, Contact: Fernando Yopez, Phone: (512) 837-8851.

(36) *Laboratory*: Maxim Engineers, Inc. (NIST).

Address: 2342 Fabens, P.O. Box 59902, Dallas, TX 75229, Contact: Steve Moody, Phone: (214) 247-7575.

(37) *Laboratory*: McClelland Management Services (NIST).

Address: 6100 Hillcroft, Suite 220, Houston, TX 77081, Contact: Jaye R. Stanley, Phone: (713) 995-9000.

(38) *Laboratory*: Microanalysis Laboratory, Inc. (NIST).

Address: 8499 Greenville Ave., Suite 201, Dallas, TX 75231, Contact: Carolyn Jones, Phone: (214) 340-0890.

(39) *Laboratory*: NUS Corporation (NIST).

Address: 900 Gemini, Houston, TX 77058, Contact: John W. McCormick, Phone: (713) 488-1810.

(40) *Laboratory*: National Asbestos Consultants Inc., (NIST).

Address: 4619 North Santa Fe, Oklahoma City, OK 73118, Contact: Jerry Bowerman, Phone: (405) 528-6224.



(41) *Laboratory:* New Mexico State University (NIST), Electron Microscope Laboratory.

Address: Box 3EML, Las Cruces, NM 88003, Contact: Joseph LaPointe, Phone: (505) 646-3734.

(42) *Laboratory:* North American Analytical Labs (NIST).

Address: 4405 Crawford St., P.O. Box 6865, Abilene, TX 79605, Contact: Gene Walker, Phone: (915) 691-0172.

(43) *Laboratory:* Occupational Hygiene, (NIST).

Address: P.O. Box 181769, Dallas, TX 75218, Contact: Virginia Wheeler, Phone: (214) 324-3813.

(44) *Laboratory:* Occupational Safety & Health, Consultants, Inc. (NIST).

Address: 208 North Armstrong, Bixby, OK 74008, Contact: Jeffrey Jenkins, Phone: (918) 366-4834.

(45) *Laboratory:* Oklahoma State Department of Health, Special Hazard Division (NIST).

Address: P.O. Box 53551, Oklahoma City, OK 73152, Contact: John M. Feero, Phone: (405) 271-5221.

(46) *Laboratory:* P.E.I. Microanalysis Laboratory D/FW, (NIST).

Address: P.O. Box 612383 (Trailer No. 12), D/FW Airport, TX 75261, Contact: Neal Sizemore, Phone: (214) 574-1700.

(47) *Laboratory:* Phillips 66 Company (NIST), Borger Refinery & NGL Process Center, Lab.

Address: Box 271, Borger, TX 79008, Contact: D. Taylor, Phone: (806) 273-2831.

(48) *Laboratory:* Precision Testing Labs, Inc. (NIST).

Address: 624 Northwest 5th St., Suite 2, Moore, OK 73160, Contact: Jerry Doyle, Phone: (405) 793-1468.

(49) *Laboratory:* ProTechnics Environmental Services, Inc. (NIST).

Address: 14760 Memorial Dr., 105, Houston, TX 77079, Contact: Steve Barham, Phone: (713) 496-9914.

(50) *Laboratory:* Raba-Kistner Consultants, Inc. (NIST).

Address: P.O. Box 690287, San Antonio, TX 78269-0287, Contact: Frank B. Schweitzer, Phone: (512) 699-9090.

(51) *Laboratory:* Regional Testing Lab, Inc. (NIST).

Address: 318 West Chestnut, Suite 204, Denison, TX 75020, Contact: Cliff Wood, Phone: (214) 463-6666.

(52) *Laboratory:* Southwest Environmental Management, (NIST).

Address: Oklahoma Division, 3035 NW 63rd St., Suite 150, Oklahoma City, OK 73116, Contact: Teresa Burrows, Phone: (602) 443-0070.

(53) *Laboratory:* Southwestern Laboratories, Inc. (NIST).

Address: 2575 Lone Star Dr., Dallas, TX 75212, Contact: Lawrence M. Thompson, Phone: (214) 631-2700.

(54) *Laboratory:* Southwestern Laboratories, Inc. (NIST).

Address: 222 Cavalcade, Houston, TX 77009, Contact: Russell DiRaino, Phone: (713) 692-9151.

(55) *Laboratory:* Southwestern Public Service Co. (NIST), Systems Laboratory.

Address: P.O. Box 1261, Amarillo, TX 79170, Contact: Dean Metcalf, Phone: (806) 381-6360.

(56) *Laboratory:* Standard Testing & Eng. Co. (NIST).

Address: 660 Distributors Row, Harahan, LA 70123, Contact: Robert E. Jones, Phone: (504) 734-8378.

(57) *Laboratory:* Standard Testing and Engineering Co., (NIST).

Address: 3400 North Lincoln Blvd., Oklahoma City, OK 73105, Contact: Cheri Marcham, Phone: (405) 528-0541.

(58) *Laboratory:* Stanley Engineering Inc. & Alpha, Analytical Labs, Inc. (NIST).

Address: 2700 Northwest 39th St., Oklahoma City, OK 73112, Contact: Keith L. Stanley, Phone: (405) 948-6505.

(59) *Laboratory:* Stanley Engineering, Inc. (NIST).

Address: 4137 South Harvard, Suite E, Tulsa, OK 74135, Contact: Allison Myers, Phone: (918) 747-2929.

(60) *Laboratory:* Sun City Analytical (NIST).

Address: 6028 Surety Dr., Suite 204A, El Paso, TX 79905, Contact: David Felix, Phone: (915) 772-7850.

(61) *Laboratory:* Sunbelt Associates, Inc. (NIST).

Address: 6961 Mayo Rd., New Orleans, LA 70126, Contact: Gary C. Allen, Phone: (504) 286-6798.

(62) *Laboratory:* Technology Serving People, Inc. (NIST).

Address: 5373 West Alabama, Suite 450, Houston, TX 77056, Contact: Bill Hurt, Phone: (713) 621-9067.

(63) *Laboratory:* Terra Environmental Controls, Inc., (NIST).

Address: 2909 Division St., Suite C, Metairie, LA 70002, Contact: Jason Bourgeois, Phone: (504) 885-5711.

(64) *Laboratory:* Texas Department of Health (NIST), Asbestos Abatement Branch.

Address: 1100 West 49th St., Austin, TX 78756-3199, Contact: Don Brown, Phone: (512) 458-7318.

(65) *Laboratory:* Texas Research Institute (NIST), Environmental Division.

Address: 9063 Bee Cave Rd., Austin, TX 78733, Contact: Gary Rolls, Phone: (512) 263-2101.

(66) *Laboratory:* The Hartford Steam Boiler Laboratory, (NIST), Inspection & Insurance Co.

Address: 1100 North Post Oak No. 30, Suite 300, Houston, TX 77055, Contact: Diana Spence, Phone: (713) 578-7300.

(67) *Laboratory:* University of Texas, Health Center, (NIST) Dept. of Cell Biology & Environmental Sciences.

Address: P.O. Box 2003, Tyler, TX 75710, Contact: Ronald Dodson, Phone: (214) 877-7554.

(68) *Laboratory:* Waldemar S. Nelson & Co., Inc. (NIST).

Address: 1200 St. Charles Ave., New Orleans, LA 70130, Contact: Laura E. Yager, Phone: (504) 523-5281.

(69) *Laboratory:* West-Paine Laboratories, Inc. (NIST).

Address: 7979 G.S.R.I. Ave., Baton Rouge, LA 70820, Contact: Jonny H. Vickers, Phone: (504) 769-4900.

EPA Accredited Commercial PLM Laboratories

REGION VII - Kansas City, KS

Regional Asbestos Coordinator: Wolfgang Brandner, EPA, Region VII, 726 Minnesota Ave., Kansas City, KS 66101. (913) 236-2835, (FTS) 757-2835.

(1) *Laboratory:* ACM Labs, Inc. (NIST).

Address: 304 North Main, P.O. Box 2073, Fairfield, IA 52556, Contact: David Fleshman, Phone: (515) 472-7402.

(2) *Laboratory:* ALERT Analytical Laboratories (NIST).

Address: 1900 West 47th Pl., No. 101, Westwood, KS 66205, Contact: William Garies, Phone: (913) 831-4516.

(3) *Laboratory:* Ames Environmental (NIST).

Address: 3910 Lincoln Way, Ames, IA 50010, Contact: David Fairchild, Phone: (515) 292-3400.

(4) *Laboratory:* Asbestos Consulting & Testing (NIST).

Address: 14953 West 101st. Ter., Lenexa, KS 66215, Contact: Jim A. Pickel, Phone: (913) 492-1337.

(5) *Laboratory:* Baird Scientific (NIST).

Address: P.O. Box 842, Carthage, MO 64836, Contact: Gary Baird, Phone: (417) 358-5567.

(6) *Laboratory:* CHART Services, Ltd. (NIST).

Address: 4725 Merle Hay Rd., Suite 214, Des Moines, IA 50322, Contact: Mary A. Finn, Phone: (515) 276-3642.



(7) *Laboratory*: CHART Services, Ltd. (NIST).

Address: 12616 West 62nd Ter., Suite 118, P.O. Box 18, Shawnee, KS 66216, Contact: Bernie Hemlick, Phone: (913) 268-0715.

(8) *Laboratory*: CHART Services, Ltd. (NIST).

Address: 7912 Davenport St., Omaha, NE 68114, Contact: Carmen Riegel, Phone: (402) 393-0155.

(9) *Laboratory*: Certified Environmental Management, Inc. (NIST).

Address: P.O. Box 504, Salina, KS 67402-0504, Contact: Brenda A. Tolson, Phone: (913) 536-4226.

(10) *Laboratory*: Hall-Kimbrell Environmental Services, Inc. (NIST).

Address: 4840 West 15th St., Lawrence, KS 66046, Contact: Robert Kleopfer, Phone: (913) 865-9304.

(11) *Laboratory*: Industrial Testing Laboratories, Inc., (NIST).

Address: 2350 7th Blvd., St. Louis, MO 63104, Contact: William J. Lowry, Phone: (314) 771-7111.

(12) *Laboratory*: Kansas Dept. of Health & Environment, (NIST) Toxicology Section, Div. of, Labs and Res.

Address: Bldg. 740, Forbes Field, Topeka, KS 66620, Contact: Roger Carlson, Phone: (913) 296-1620.

(13) *Laboratory*: Microscopic Analysis, Inc. (NIST).

Address: 989 Gardenview Office Pkwy., St. Louis, MO 63141, Contact: Douglas N. Nimmo, Phone: (314) 993-2212.

(14) *Laboratory*: Midwestern Testing Labs, Inc. (NIST).

Address: P.O. Box 1657, Fairfield, IA 52556, Contact: Dennis Greenley, Phone: (515) 472-1881.

(15) *Laboratory*: Net Midwest Inc., Cedar Falls Division, (NIST).

Address: 704 Enterprise Dr., Cedar Falls, IA 50613, Contact: Michael McGee, Phone: (319) 277-2401.

(16) *Laboratory*: Pace Laboratories, Inc. (NIST).

Address: 2005 West 103rd Ter. (B), Leawood, KS 66206, Contact: Don Wright, Phone: (913) 341-7800.

(17) *Laboratory*: Ramsey-Schilling Consulting Group, Inc. (NIST).

Address: 503 Main St., Belton, MO 64012, Contact: George S. McDowell, Phone: (816) 331-0002.

(18) *Laboratory*: The University of Iowa (NIST), University Hygienic Laboratory.

Address: Iowa City, IA 52242, Contact: I. A. Schwabbauer, Phone: (319) 335-4500.

(19) *Laboratory*: University of Missouri - Kansas City, (NIST).

Address: Chemistry Dept., Kansas City, MO 64110, Contact: Dr. Peter F. Lott, Phone: (816) 276-2289.

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#### REGION VIII -- Denver, CO

*Regional Asbestos Coordinator*: David Combs, (8AT-TS), EPA, Region VIII, 1 Denver Place, 999-18th St., Suite 500, Denver, CO 80202-2413. (303) 293-1744, (FTS) 564-1744.

(1) *Laboratory*: ARC Labs (NIST).

Address: 216 Denver Ave., Suite G&I, Grand Forks, ND 58220, Contact: Joe Worman, Phone: (701) 772-6496.

(2) *Laboratory*: ATC Environmental, Inc. (NIST).

Address: 2600 W. 29th Ave., Denver, CO 80211, Contact: Dan Benecke, Phone: (303) 480-0209.

(3) *Laboratory*: ATC Environmental, Inc. (NIST).

Address: 1515 East Tenth St., Sioux Falls, SD 57103, Contact: Donald Beck, Phone: (605) 338-0555.

(4) *Laboratory*: ATEC Associates, Inc. (NIST).

Address: 4860 Ironton, Inc. (NIST), Denver, CO 80239, Contact: Mark Komori, Phone: (303) 371-2640.

(5) *Laboratory*: Amoco Oil Company Mandan Refinery, (NIST).

Address: Mandan Avenue & Old Red Trail, Mandan, ND 58554, Contact: Jerifer Romsaas, Phone: (701) 667-2463.

(6) *Laboratory*: Analytica, Inc. (NIST).

Address: 5930 McIntyre St., Golden, CO 80403, Contact: Steve Hyatt, Phone: (303) 279-2583.

(7) *Laboratory*: Bison Engineering/Research (NIST).

Address: P.O. Box 1703, Helena, MT 59624, Contact: Patricia E. Groll, Phone: (406) 442-5768.

(8) *Laboratory*: Colorado State University Department, of Environmental Health (NIST).

Address: B120 Microbiology Bldg., Fort Collins, CO 80523, Contact: Roy C. Warbington, Phone: (303) 491-6729.

(9) *Laboratory*: DCM Science Laboratory (NIST).

Address: 12975 West 24th Pl., Golden, CO 80401, Contact: Donna C. Mefford, Phone: (303) 237-0110.

(10) *Laboratory*: Datachem, Inc. (NIST).

Address: 960 West LeVoy Dr., Salt Lake City, UT 84123, Contact: Lance Eggenberger, Phone: (801) 266-7700.

(11) *Laboratory*: Dixon Information, Inc. (NIST).

Address: 78 West 2400 S., Salt Lake City, UT 84115, Contact: Willard C. Dixon, Phone: (801) 486-0800.

(12) *Laboratory*: Esstek, Inc. (NIST).

Address: 11435 West 48th Ave., Wheat Ridge, CO 80033-2101, Contact: Robert Cordova, Phone: (303) 425-7038.

(13) *Laboratory*: HTI Laboratories & Industrial, Consultants (NIST).

Address: 1806 Main Ave., Fargo, ND 58103, Contact: Constance S. Hodny, Phone: (701) 232-1399.

(14) *Laboratory*: HTI Laboratories & Industrial, Consultants, Inc. (NIST).

Address: 6436 South Racine Cir., Englewood, CO 80111, Contact: Constance S. Hodny, Phone: (303) 792-2125.

(15) *Laboratory*: Hager Laboratories, Inc. (NIST).

Address: 11234 East Caley Ave., Englewood, CO 80111, Contact: John Molina, Phone: (303) 790-2727.

(16) *Laboratory*: Northern Engineering & Testing, Inc., (NIST).

Address: 600 South 25th St., Billings, MT 59107, Contact: Kathleen Smit, Phone: (406) 248-9161.

(17) *Laboratory*: Occupational Health Technologies, Inc., (NIST).

Address: 171 University Cir., Pueblo, CO 81005, Contact: Thomas F. Antonson, Phone: (719) 566-0422.

(18) *Laboratory*: Professional Service Ind., Inc. (NIST), Pittsburgh Testing Lab. Div.

Address: 2955 Southwest Temple St., Salt Lake City, UT 84115, Contact: Herb Ritzman, Phone: (801) 484-8827.

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#### REGION IX -- San Francisco, CA

*Regional Asbestos Coordinator*: Jo Ann Semones, (A-4-2), EPA, Region IX, 215 Fremont St., San Francisco, CA 94105. (415) 974-7290, (FTS) 454-7290.

(1) *Laboratory*: ACCULAB Environmental Services (NIST).

Address: 3700 Lakeville Hwy., Petaluma, CA 94952, Contact: Olivia Alejandro, Phone: (707) 778-4160.

(2) *Laboratory*: ASBESTECH (NIST).

Address: 6801 Fair Oaks Blvd., Suite H, Carmichael, CA 95608, Contact: Tommy G. Conlon, Phone: (916) 481-8902.

(3) *Laboratory*: Analytical Research Laboratories, Inc., (NIST).

Address: 160 Taylor St., P.O. Box 2360, Monrovia, CA 91016, Contact: Michelle Miller, Phone: (818) 357-3247.



- (4) *Laboratory*: Applied Petrography, Inc. (NIST).  
Address: 8520 Sorenson Ave., Suite E, Santa Fe Springs, CA 90670, Contact: Joanna Deane, Phone: (213) 945-3468.
- (5) *Laboratory*: Asbestos Detection Co., Inc. (NIST).  
Address: 12755 Brookhurst St., Suite 206, Garden Grove, CA 92640, Contact: Richard L. Frauenberger, Phone: (714) 530-1922.
- (6) *Laboratory*: Associated Safety Consultants (NIST).  
Address: 13363 Saticoy St., No. 204, North Hollywood, CA 91605, Contact: Dan Flaherty, Phone: (818) 503-0471.
- (7) *Laboratory*: BSE Labs, Inc. (NIST).  
Address: 50 East Foothill Blvd., Arcadia, CA 91006, Contact: Gustavo Delgado, Phone: (818) 355-8911.
- (8) *Laboratory*: California Water Labs (NIST).  
Address: 1430 Carpenter Ln., Modesto, CA 95352, Contact: Gloria Poling, Phone: (209) 527-4050.
- (9) *Laboratory*: Cam Lab (NIST).  
Address: 9525 Slauson Ave., Pico Rivera, CA 90660, Contact: Michael R. Tiffany, Phone: (213) 942-8668.
- (10) *Laboratory*: Certified Engineering & Testing Co., Inc. (NIST).  
Address: 725 Greenwich St., No. 204, San Francisco, CA 94133, Contact: Cabe Silverhame, Phone: (415) 986-6872.
- (11) *Laboratory*: Clark Geological Services (NIST).  
Address: 3479 Edison Way, Fremont, CA 94538, Contact: Joyce Lucas-Clark, Phone: (415) 659-1784.
- (12) *Laboratory*: Clayton Environmental Consultants, Inc. (NIST).  
Address: 1252 Quarry Ln., Pleasanton, CA 94566, Contact: Ron Peters, Phone: (415) 426-2600.
- (13) *Laboratory*: Control Labs, Inc./Toxscan, Inc., (NIST).  
Address: 42 Hangar Way, Watsonville, CA 95076, Contact: Philip Carpenter, Phone: (408) 724-4522.
- (14) *Laboratory*: Dan Napier & Associates (NIST).  
Address: 15342 Hawthorne Blvd., Suite 207, P.O. Box 1540, Lawndale, CA 90260-6440, Contact: Dan Napier, Phone: (213) 644-1924.
- (15) *Laboratory*: Dyer Laboratories, Inc. (NIST).  
Address: 2531 West 237th St., No. 121, Torrance, CA 90505, Contact: D.L. Dyer, Phone: (213) 530-3322.
- (16) *Laboratory*: E & A Env'l Service, Inc. (NIST).  
Address: 15943 Clark Ave., Bellflower, CA 90706, Contact: Ebbiteanga Abili, Phone: (213) 925-5080.
- (17) *Laboratory*: EMS Laboratories (NIST).  
Address: 507 Mission St., South Pasadena, CA 91030, Contact: Bernadine M. Kolk, Phone: (818) 441-2393.
- (18) *Laboratory*: EnvironMETeo Services, Inc. (EMET), (NIST).  
Address: 94-463 Ukee St., Suite A, Waipahu, HI 96797, Contact: Clifford How, Phone: (808) 671-8383.
- (19) *Laboratory*: Environmental Innovations Corp. (NIST).  
Address: 675 Hegenberger Rd., Suite 110, Oakland, CA 94621, Contact: Kip Fout, Phone: (415) 632-0104.
- (20) *Laboratory*: Esstek (NIST).  
Address: 3045 Teagarden St., San Leandro, CA 94577, Contact: Bob Cordova, Phone: (303) 425-0013.
- (21) *Laboratory*: Esstek, Inc. (NIST).  
Address: 9041-17 Dice Rd., Santa Fe Springs, CA 90670, Contact: Robert Cordova, Phone: (303) 425-0013.
- (22) *Laboratory*: Eureka Laboratories, Inc. (NIST).  
Address: 3401 La Grande Blvd., Sacramento, CA 95823, Contact: Steven K. Leung, Phone: (916) 381-7953.
- (23) *Laboratory*: Fiberquant, Inc. (NIST).  
Address: 4824-B South 35th St., Phoenix, AZ 85040, Contact: Larry Pierce, Phone: (602) 276-6138.
- (24) *Laboratory*: Forensic Analytical Specialities, Inc., (NIST).  
Address: 3777 Depot Rd., Suite 406, Hayward, CA 94545, Contact: Stephen A. Shaffer, Phone: (415) 887-8828.
- (25) *Laboratory*: Gemeni Petrographic Investigations, (NIST).  
Address: P.O. Box 2127, Novato, CA 94948, Contact: Peter A. Almendinger, Phone: (415) 892-9016.
- (26) *Laboratory*: HECO Safety Division (NIST), Industrial Hygiene Section.  
Address: 820 Ward Ave., Honolulu, HI 96813, Contact: Joana Teba, Phone: (808) 548-7386.
- (27) *Laboratory*: Hall-Kimbrell Environmental Services, (NIST).  
Address: 646 South Brea Canyon Rd., Walnut, CA 91789, Contact: David Reusswig, Phone: (714) 594-3232.
- (28) *Laboratory*: Hall-Kimbrell Environmental Services, (NIST).  
Address: 2615 South King St., Suite 2A, Honolulu, HI 96826, Contact: S. Gil Cobb, Phone: (808) 943-0254.
- (29) *Laboratory*: Hanlon Laboratories (NIST).  
Address: 8801 Folsom Blvd., Suite 145, Sacramento, CA 95826, Contact: Victoria Nabavi, Phone: (916) 386-2153.
- (30) *Laboratory*: Health Sciences Associates (NIST).  
Address: 10771 Noel St., Los Alamitos, CA 90720, Contact: Kathy S. Jones, Phone: (714) 220-3922.
- (31) *Laboratory*: IT Corporation-Cerritos (NIST).  
Address: 17605 Fabrica Way, Cerritos, CA 90701, Contact: Mary Hammons, Phone: (213) 921-9831.
- (32) *Laboratory*: J.M. Cohen, Inc. (NIST).  
Address: 155 Bovet Rd., Suite 300, San Mateo, CA 94402, Contact: Joel Cohen, Phone: (415) 349-9737.
- (33) *Laboratory*: Kellico Asbestos Analytical Services, (NIST).  
Address: 44814 Osgood Rd., Fremont, CA 94539, Contact: Patricia Brown, Phone: (415) 659-9751.
- (34) *Laboratory*: Kellico Services, Inc. (NIST).  
Address: 8421 Auburn Ave., Citrus Heights, CA 95610, Contact: Duane Graves, Phone: (916) 722-7997.
- (35) *Laboratory*: Kemron Environmental Services (NIST).  
Address: 14340 Bolsa Chica, Suite C, Westminster, CA 92683, Contact: Humphrey Laurent, Phone: (714) 373-1194.
- (36) *Laboratory*: Law Engineering, Inc. (NIST).  
Address: 5025 S. 36th St., Phoenix, AZ 85040, Contact: Peter Flening, Phone: (602) 437-0250.
- (37) *Laboratory*: McClara Laboratory (NIST).  
Address: 3560 Business Dr., Sacramento, CA 95820, Contact: Michael McClara, Phone: (916) 451-7244.
- (38) *Laboratory*: McCrone Environmental Services, Inc., (NIST).  
Address: 120 Newport Center Dr., Suite 240, Newport Beach, CA 92660, Contact: William Millar, Phone: (714) 759-6619.
- (39) *Laboratory*: Micro Analytical Laboratories, Inc., (NIST).  
Address: 5900 Hollis St., Suite M, Emeryville, CA 94608, Contact: Bradley Erskine, Phone: (415) 653-0824.
- (40) *Laboratory*: Microanalytical Services, Inc. (NIST).  
Address: 201 South Lake Ave., Suite 402, Pasadena, CA 91101, Contact: Lily Prigge, Phone: (818) 356-7400.



(41) *Laboratory:* Microprobe (NIST).  
Address: 5104 East Burns, Tucson, AZ  
85711, Contact: James R. Kessler,  
Phone: (602) 745-1189.

(42) *Laboratory:* National Asbestos  
Labs, Inc. (NIST).  
Address: 2235 Polvorosa Ave., Suite 220,  
San Leandro, CA 94577, Contact:  
Kevin Smith, Phone: (415) 357-9555.

(43) *Laboratory:* National  
Environmental Services, Inc., (NIST).  
Address: 5055 East Broadway, Suite D-  
208, Tucson, AZ 85711, Contact:  
Donna Katz, Phone: (602) 790-4491.

(44) *Laboratory:* PACE Laboratories  
(NIST).  
Address: 11 Digital Dr., Novato, CA  
94949, Contact: Keith Hunter, Phone:  
(415) 883-6100.

(45) *Laboratory:* Particle Diagnostics,  
Inc. (NIST).  
Address: 1274 Morena Blvd., San Diego,  
CA 92109, Contact: Dan Baxter,  
Phone: (619) 276-2200.

(46) *Laboratory:* Precision Micro-  
Analysis (NIST).  
Address: 5685-A Power Inn Rd., Suite  
102, Sacramento, CA 95824, Contact: J.  
Benjamin Smith, Phone: (916) 381-0694.

(47) *Laboratory:* R.J. Lee Group, Inc.  
(NIST).  
Address: 2424 6th St., Berkeley, CA  
94710, Contact: Jesse E. Fisher, Phone:  
(415) 486-8319.

(48) *Laboratory:* Radiation Detection  
Co. (NIST).  
Address: 162 Wolfe Rd., P.O. Box 1414,  
Sunnyvale, CA 94088, Contact: Donald  
Shepley, Phone: (408) 735-8700.

(49) *Laboratory:* Reynolds Electrical &  
Engineering Co., (NIST).  
Address: P.O. Box 98521, M/S 706, Las  
Vegas, NV 89193, Contact: Glen Clark,  
Phone: (702) 295-6379.

(50) *Laboratory:* Salt River Project  
(NIST).  
Address: 600 East Curry Rd., Tempe, AZ  
85281, Contact: William Powell,  
Phone: (602) 236-8024.

(51) *Laboratory:* Schwein/Christensen  
Eng., Ltd. (NIST).  
Address: 3397 Mt. Diablo Blvd., Suite E,  
Lafayette, CA 94549, Contact: Conrad  
Christensen, Phone: (415) 284-3311.

(52) *Laboratory:* Sonoran Desert Labs,  
Inc. (NIST).  
Address: 2425-A North Huachuaca Dr.,  
Tucson, AZ 85745, Contact: Frank  
Mendoza, Phone: (602) 624-9366.

(53) *Laboratory:* Sonoran Desert Labs,  
Inc. (NIST).  
Address: 2725 Congress St., Suite 2A,  
San Diego, CA 92110, Contact: Greg  
Behnfeldt, Phone: (619) 294-7200.

(54) *Laboratory:* Southwest  
Environmental Management, Inc.  
(NIST).  
Address: 14255 N. 79th, Suite 10,  
Scottsdale, AZ 85260, Contact: Teresa  
Burrows, Phone: (602) 443-0070.

(55) *Laboratory:* Southwest Hazard  
Control, Inc. (NIST).  
Address: 5400 West Massingale Rd.,  
Tucson, AZ 85743, Contact: Gerald J.  
Karches, Phone: (602) 744-1060.

(56) *Laboratory:* Stan Tech (NIST).  
Address: 4040 E. McDowell, Suite 412,  
Phoenix, AZ 85008, Contact: Tjuana  
White, Phone: (602) 273-6934.

(57) *Laboratory:* TEM Analytics, Inc.  
(NIST).  
Address: 3443 East Fort Lowell, Suite  
105, Tucson, AZ 85716, Contact:  
Sandra Bejarauno, Phone: (602) 795-  
7000.

(58) *Laboratory:* TMA/NORCAL  
Corporation (NIST).  
Address: 2030 Wright Ave., Richmond,  
CA 94804, Contact: Rosemary Sliney,  
Phone: (415) 235-2633.

(59) *Laboratory:* Unitek  
Environmental Consultants, Inc., (NIST).  
Address: 2889 Mokumoa St., Honolulu,  
HI 96819, Contact: Irene Enoki, Phone:  
(808) 834-1444.

(60) *Laboratory:* Van Houten  
Consultants, Inc. (NIST).  
Address: 422 Petaluma Blvd. North Suite  
B, Petaluma, CA 94952, Contact:  
Gregory P. Arnold, Phone: (707) 762-  
1132.

(61) *Laboratory:* Western  
Technologies, Inc. (NIST), Chemistry  
Lab.  
Address: 3737 East Broadway Rd.,  
Phoenix, AZ 85040, Contact: Steve  
Barnes, Phone: (602) 437-3737.

EPA Accredited Commercial PLM  
Laboratories

#### REGION X - Seattle, WA

*Regional Asbestos Coordinator:*  
Walter Jasper, EPA, Region X, 1200  
Sixth Ave. (8T-083), Seattle, WA 98101.  
(206) 442-4762, (FTS) 399-2870.

(1) *Laboratory:* AM TEST, Inc. (NIST).  
Address: 14603 Northeast 87th St.,  
Redmond, WA 98052, Contact: John T.  
Dailey, Phone: (206) 885-1664.

(2) *Laboratory:* Cascade Analytical  
Service (NIST).  
Address: 3640 South Cedar St., Suite O,  
Tacoma, WA 98409, Contact: Juin B. J.  
TeVrucht, Phone: (206) 472-6909.

(3) *Laboratory:* Coffey Laboratories,  
Inc. (NIST).  
Address: 4914 Northeast 122nd Ave.,  
Portland, OR 97230, Contact: Fredrick  
C. Colley, Phone: (503) 254-1794.

(4) *Laboratory:* Environmental  
Consulting Services, Inc. (NIST).  
Address: 1259 Willamette St., Eugene,  
OR 97401, Contact: Richard W. Carlin,  
Phone: (503) 345-6790.

(5) *Laboratory:* Environmental  
Consulting Services, Inc. (NIST).  
Address: 3601 Northwest Yeon, Suite  
134, Portland, OR 97210, Contact:  
Sheila Monroe, Phone: (503) 227-7210.

(6) *Laboratory:* Esstek, Inc. (NIST).  
Address: 12822 Gateway Dr., Seattle,  
WA 98168, Contact: Richard C.  
Thompson, Phone: (303) 790-0529.

(7) *Laboratory:* HAZCON, Inc. (NIST).  
Address: 9500 Southwest Barbur Rd.,  
Suite 100, Portland, OR 97219,  
Contact: Gerald Liddell, Phone: (503)  
244-8045.

(8) *Laboratory:* HAZCON, Inc. (NIST).  
Address: 5950 6th Ave. S, Suite 216,  
Seattle, WA 98108, Contact: Masood  
Hashmi, Phone: (206) 763-7364.

(9) *Laboratory:* HAZTOX, Inc. (NIST).  
Address: 820 North Linder Rd.,  
Meridian, ID 83642, Contact: Robert  
Woellner, Phone: (800) 548-8220.

(10) *Laboratory:* Hanford  
Environmental Health, Foundation NHS,  
Inc. (NIST).

Address: 2950 C George Washington  
Way, Richland, WA 99352, Contact:  
Maureen Hamilton, Phone: (509) 376-  
6980.

(11) *Laboratory:* Hanford  
Environmental Health, Foundation NHS,  
Inc. (NIST).

Address: 805 Goethals Dr., Richland,  
WA 99352, Contact: Maureen  
Hamilton, Phone: (509) 376-6980.

(12) *Laboratory:* Hunter Services, Inc.  
(NIST).

Address: 1205 East Int'l. Airport Rd.,  
Suite 100, Anchorage, AK 99519,  
Contact: Doug Jones, Phone: (907) 561-  
3055.

(13) *Laboratory:* M & M  
Environmental, Inc. (NIST).

Address: 3902 North 34th St., Tacoma,  
WA 98407, Contact: Mike Reid, Phone:  
(206) 572-2772.

(14) *Laboratory:* Marine &  
Environmental Testing, Inc., (NIST).

Address: P.O. Box 1142, Beaverton, OR  
97075, Contact: Martin H. Finkel,  
Phone: (503) 286-2950.

(15) *Laboratory:* Microlab Northwest  
(NIST).

Address: 7609 140th Pl., NE, Redmond,  
WA 98052, Contact: Russel Crutcher,  
Phone: (206) 885-9419.

(16) *Laboratory:* Northwest Asbestos  
Consultants (NIST).



Address: 1005 Northwest Galveston, Suite E, Bend, OR 97701, Contact: Dale A. Schmidt, Phone: (503) 389-9727.

(17) *Laboratory:* Oregon Analytical Laboratory (NIST).

Address: 14655 Southwest Old Schools Ferry Rd., Beaverton, OR 97007, Contact: Howard Boorse, Phone: (503) 644-5300.

(18) *Laboratory:* Professional Service Ind., Inc. (NIST).

Address: 700 West 58th St., Units A & B, Anchorage, AK 99518-1632, Contact: John Buzdor, Phone: (907) 561-2400.

(19) *Laboratory:* Professional Service Ind., Inc. (NIST).

Address: 611 Southeast Harrison St., Portland, OR 97214, Contact: Judy Grant, Phone: (503) 232-2183.

(20) *Laboratory:* Westinghouse Northwest Environmental, Center (NIST).

Address: Kenai Peninsula Borough Maintenance, 47140 Poppy Ln., Soldotna, AK 99669, Contact: Larry Lockard, Phone: (907) 262-4011.

(21) *Laboratory:* Westinghouse Northwest Environmental, Center (NIST).

Address: 1234 Columbia Dr., SE, Richland, WA 99352, Contact: Carlton Allen, Phone: (509) 735-3211.

EPA Accredited Commercial PLM Laboratories

*Non-Domestic PLM Laboratories*

(1) *Laboratory:* Pinchin & Associates, Ltd. (NIST).

Address: Two Robert Speck Pkwy., Suite 290, Mississauga, Ontario, Contact: Suzanne Ruginis, Phone: (416) 279-1629.

(2) *Laboratory:* Pinchin Harris Holland Associates, Ltd. (NIST).

Address: No. 200-1285 West Pender St., Vancouver, BC, V6E 4B1, Canada, Contact: Geoffrey A. Clark, Phone: (604) 669-5979.

(3) *Laboratory:* Chatfield Technical Consulting, Ltd., (NIST).

Address: 2071 Dickson Rd., Mississauga, Ontario, Canada L5B 1YB, Contact: Eric Chatfield, Phone: (416) 896-7611.

(4) *Laboratory:* McMaster Laboratory (NIST), Occupational Health Laboratory.

Address: 1200 Main St., W., Hamilton, Ontario, Canada L8N 3Z5, Contact: Dave K. Verma, Phone: (416) 525-9140.

EPA Accredited Non-Commercial PLM Laboratories

*REGION I -- Boston, MA*

*Regional Asbestos Coordinator:* Joe DeCola, EPA, Region I, Air and

Management Division (APT-2311), JFK Federal Building, Boston, MA 02203. (617) 565-3835, (FTS) 835-3835.

(1) *Laboratory:* Olin Corp. (NIST), Environmental Hygiene Laboratory.

Address: 91 Shelton Ave., P.O. Box 30-9643, New Haven, CT 06511, Contact: James P. Dawson, Phone: (203) 781-5613.

(2) *Laboratory:* State of Maine, Department of Human, Services (NIST), Public Health Laboratory.

Address: 221 State St., Augusta, ME 04333, Contact: John Krueger, Phone: (207) 289-2727.

EPA Accredited Non-Commercial PLM Laboratories

*REGION II -- Edison, NJ*

*Regional Asbestos Coordinator:* Arnold Freiburger, EPA, Region II, Woodbridge Ave., Raritan Depot, Bldg. 5, (MS-500), Edison, NJ 08837. (201) 321-6671, (FTS) 340-6671.

(1) *Laboratory:* City of New York, Dept. of Gen. Svc., Lab Division of Municipal Supplies, (NIST).

Address: 480 Canal St., New York, NY 10013, Contact: A.D. Pacifico, Phone: (212) 925-5326.

(2) *Laboratory:* Hess Oil Virgin Islands Corp. (NIST).

Address: P.O. Box 127, Kingshill, St. Croix, VI 00850, Contact: John L. Edgley, Phone: (809) 778-4314.

(3) *Laboratory:* Nassau County Dept. of Health (NIST), Division of Laboratories & Research.

Address: 209 Main St., Hempstead, NY 11550, Contact: Robert Porter, Phone: (516) 483-9158.

EPA Accredited Non-Commercial PLM Laboratories

*REGION III -- Philadelphia, PA*

*Regional Asbestos Coordinator:* Carole Dougherty, EPA, Region III (3HW-42), 841 Chestnut Bldg., Philadelphia, PA 19107. (215) 597-3160, (FTS) 597-3160.

(1) *Laboratory:* Aluminum Company of America, Environmental Health Laboratory (NIST).

Address: ALCOA Technical Center, ALCOA Center, PA 15069, Contact: R. Danchik, Phone: (412) 337-2154.

(2) *Laboratory:* Maryland Dept. of Health, Laboratories Adm. - AQL (NIST).

Address: 201 West Preston St., Room 6D1, Baltimore, MD 21203, Contact: Delores E. Willis, Phone: (301) 225-6212.

(3) *Laboratory:* National Institute of Health (NIST), Safety Support Section.

Address: Building 13, Room 3K04, Bethesda, MD 20892, Contact: Randolph K. Larsen, Phone: (301) 496-3457.

(4) *Laboratory:* Pennsylvania Department of, Environmental Resources (NIST).

Address: Bureau of Laboratories, P.O. Box 1467, 3rd & Reilly St., Harrisburg, PA 17120, Contact: Vincent White, Phone: (717) 787-4669.

EPA Accredited Non-Commercial PLM Laboratories

*REGION IV -- Atlanta, GA*

*Regional Asbestos Coordinator:* Liz Wilde, EPA, Region IV, 345 Courtland St., NE, (4APT-PT), Atlanta, GA 30365. (404) 347-5014, (FTS) 257-5014.

(1) *Laboratory:* E.I. Dupont DeNemours & Co., Cape Fear Plant (NIST).

Address: P.O. Box 2042, Wilmington, NC 28402, Contact: W.M. Tedder, Phone: (919) 371-4257.

(2) *Laboratory:* EG&G Florida (NIST), Occupational Medicine & Environmental, Health Services.

Address: P.O. Box 21296, BOC-022, Kennedy Space Center, FL 32815, Contact: Patricia L. Colomore, Phone: (407) 867-3829.

(3) *Laboratory:* GTRI Microscopy Research Lab (NIST).

Address: 151 Sixth St., O'Keefe Bldg., Atlanta, GA 30057, Contact: James Smith, Phone: (404) 894-3806.

(4) *Laboratory:* Schneider Services International, (NIST).

Address: MS-340, Arnold AFB, TN 37389, Contact: Doug Hite, Phone: (615) 454-3000.

(5) *Laboratory:* TN Dept. of Health & Environment, (NIST).

Address: 1522 Cherokee Trail, P.O. Box 59019, Knoxville, TN 37950, Contact: Edward McCrary, Phone: (615) 546-9221.

(6) *Laboratory:* TN Dept. of Public Health (NIST), Jackson Branch Lab.

Address: 295 Summar Dr., Jackson, TN 38302-0849, Contact: John Hitz, Phone: (901) 424-9200.

EPA Accredited Non-Commercial PLM Laboratories

*REGION V -- Chicago, IL*

*Regional Asbestos Coordinator:* Anthony Restaino, EPA, Region V, 230 S. Dearborn St., (5-SPT-7), Chicago, IL 60604. (312) 886-6003, (FTS) 886-6003.

(1) *Laboratory:* Commonwealth Edison/SMAD (NIST).



Address: 1319 South First Ave.,  
Maywood, IL 60153, Contact: Bernard  
Piechalak, Phone: (312) 450-5435.

(2) *Laboratory:* Indiana State Board of  
Health (NIST), Industrial Hygiene  
Laboratory.

Address: 1330 West Michigan St.,  
Indianapolis, IN 46206, Contact: John  
Ruyack, Phone: (317) 633-0692.

(3) *Laboratory:* Martin Marietta  
Energy Systems, Inc., (NIST).

Address: P.O. Box 628, Piketon, OH  
45661, Contact: David Boyd, Phone:  
(614) 289-2831.

(4) *Laboratory:* NIOSH (NIST).

Address: 4676 Columbia Pkwy., MS R-2,  
Cincinnati, OH 45226, Contact: Phil  
Bierkaum, Phone: (513) 841-4321.

(5) *Laboratory:* State of Illinois  
Department of Public Health (NIST),  
Toxicology Laboratory.

Address: 2121 West Taylor St., Chicago,  
IL 60612-4285, Contact: Dietmar  
Grohlich, Phone: (312) 693-4766.

(6) *Laboratory:* West Allis Memorial  
Hospital (NIST), Industrial Toxicology  
Laboratory.

Address: 8901 West Lincoln Ave., West  
Allis, WI 53227, Contact: Leon A.  
Saryan, Phone: (414) 546-6313.

EPA Accredited Non-Commercial PLM  
Laboratories

#### REGION VI -- Dallas, TX

*Regional Asbestos Coordinator:* John  
West, 6T-PT, EPA, Region VI, 1445 Ross  
Avenue, Dallas, TX 75202-2733. (214)  
655-7244, (FTS) 255-7244.

(1) *Laboratory:* Duncan Public Schools  
(NIST).

Address: 1706 Spruce, P.O. Box 1548,  
Duncan, OK 73533, Contact: Ron  
Murray, Phone: (405) 255-4725.

(2) *Laboratory:* Jimmie Ann Bolton  
(NIST).

Address: P.O. Box 49079, Austin, TX  
78765, Contact: Jimmie Ann Bolton,  
Phone: (512) 471-3511.

(3) *Laboratory:* Phillips Petroleum IH  
Lab (NIST).

Address: 267 Petroleum Lab,  
Bartlesville, OK 74004, Contact:  
Wanda Waugh, Phone: (918) 661-3648.

(4) *Laboratory:* Texaco Chemical Co.  
(NIST), Neches Plant.

Address: P.O. Box 847, Port Neches, TX  
77651, Contact: Janet E. Wiiki, Phone:  
(409) 722-8381.

(5) *Laboratory:* U.S. Air Force (NIST).

Address: OEHL/SA, Brooks AFB, TX  
78235, Contact: Edward Brown, Phone:  
(512) 536-3626.

(6) *Laboratory:* Univ. of Texas Health  
Center at Tyler, Dept. of Cell Biology &  
Environmental Science (NIST).

Address: P.O. Box 2003, Tyler, TX 75710,  
Contact: Ronald F. Dodson, Phone:  
(214) 877-3541.

EPA Accredited Non-Commercial PLM  
Laboratories

#### REGION VII -- Kansas City, KS

*Regional Asbestos Coordinator:*  
Wolfgang Brandner, EPA, Region VII,  
726 Minnesota Ave., Kansas City, KS  
66101. (913) 236-2835, (FTS) 757-2835.

(1) *Laboratory:* KDHE - Laboratory  
Services (NIST).

Address: Building 740 Forbes Field,  
Topeka, KS 66620, Contact: Roger  
Carlson, Phone: (913) 296-1620.

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Laboratories

#### REGION VIII -- Denver, CO

*Regional Asbestos Coordinator:* David  
Combs, (8AT-TS), EPA, Region VIII, 1  
Denver Place, 999-18th St., Suite 500,  
Denver, CO 80202-2413. (303) 293-1744,  
(FTS) 564-1744.

(1) *Laboratory:* Natl. Enforcement  
Investigation (NIST).

Address: Box 22527, Denver Federal  
Center, Denver, CO 80225, Contact:  
Douglas Kendall, Phone: (303) 236-  
9966.

(2) *Laboratory:* Public Service Co. of  
Colorado (NIST).

Address: Hampden Park West, Bldg. 5H,  
1500 West Hampden, Englewood, CO  
80110, Contact: Richard K. Price,  
Phone: (303) 797-4226.

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Laboratories

#### REGION IX -- San Francisco, CA

*Regional Asbestos Coordinator:* Jo  
Ann Semones, (A-4-2), EPA, Region IX,  
215 Fremont St., San Francisco, CA  
94105. (415) 974-7290, (FTS) 454-7290.

(1) *Laboratory:* Aerojet Solid  
Propulsion Co., Water Quality Control  
Lab. (NIST).

Address: P.O. Box 15699C, Sacramento,  
CA 95813, Contact: Jimmy Suarr,  
Phone: (916) 355-4051.

(2) *Laboratory:* Aerojet Tech Systems  
Company (NIST), Non-Metallics Testing  
Laboratory.

Address: P.O. Box 13222, Dept. 9410,  
Bldg. 200, Sacramento, CA 95813,  
Contact: Jeanne Fischer, Phone: (916)  
355-3496.

(3) *Laboratory:* LA Unified School  
District (NIST), Employee Safety  
Section.

Address: 1425 South San Pedro St.,  
Room 215, Los Angeles, CA 90015,  
Contact: Jeffrey Franklin, Phone: (213)  
742-7371.

(4) *Laboratory:* Riverside County  
Health Department, Laboratory (NIST).

Address: 5888 Mission Blvd., Rubidoux,  
CA 92509, Contact: William Redden,  
Phone: (714) 784-1860.

(5) *Laboratory:* SCAQMD Laboratory  
(NIST).

Address: 9150 Flair Dr., El Monte, CA  
91731, Contact: Joan Niertit, Phone:  
(818) 572-6200.

(6) *Laboratory:* Timothy B. Hemming,  
City of LA, Dept. of Water & Power,  
(NIST).

Address: 1630 North Main St., Bldg. 7,  
Box 111, Los Angeles, CA 90051-0100,  
Contact: Timothy B. Hemming, Phone:  
(213) 481-6691.

EPA Accredited Non-Commercial PLM  
Laboratories

#### REGION X -- Seattle, WA

*Regional Asbestos Coordinator:*  
Walter Jasper, EPA, Region X, 1200  
Sixth Ave. (8T-083), Seattle, WA 98101.  
(206) 442-4762, (FTS) 399-2870.

(1) *Laboratory:* Puget Sound Naval  
Shipyard (NIST).

Address: Code 1343, Bremerton, WA  
98314, Contact: C. Laubach,  
Supervisor, Phone: (206) 476-8900.

Dated: November 22, 1989.

Charles L. Elkins,

Director, Office of Toxic Substances.

[FR Doc. 89-27873 Filed 11-28-89; 8:45 am]

BILLING CODE 6560-50-D



# Register Federal

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Wednesday  
November 29, 1989

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## Part IV

## Department of the Treasury

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Office of Foreign Assets Control

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31 CFR Part 515

Supplemental List of Specially  
Designated Nationals (Cuba); Additions to  
List



**DEPARTMENT OF THE TREASURY**  
**Office of Foreign Assets Control**  
**31 CFR Part 515**

**Supplemental List of Specially Designated Nationals (Cuba)**

**AGENCY:** Office of Foreign Assets Control, Department of the Treasury.

**ACTION:** Notice of Additions to the List of Specially Designated Nationals of Cuba.

**SUMMARY:** This notice provides the names of individuals and entities that have been added to the list of Specially Designated Nationals under the Treasury Department's Cuban Assets Control Regulations (31 CFR part 515).

**EFFECTIVE DATE:** November 29, 1989.

**FOR FURTHER INFORMATION CONTACT:** Richard J. Hollas, Chief, Enforcement Division, Office of Foreign Assets Control, Tel: (202) 376-0400. Copies of the list of Specially Designated Nationals are available upon request at the following location: Office of Foreign Assets Control, Department of the Treasury, 1331 G Street NW., Room 300, Washington, DC 20220.

**SUPPLEMENTARY INFORMATION:** Under the Cuban Assets Control Regulations, persons subject to the jurisdiction of the United States are prohibited from engaging, directly or indirectly, in transactions with any nationals or specially designated nationals of Cuba, or involving any property in which there exists an interest of any national or specially designated national of Cuba, except as authorized by law, or by the Treasury Department's Office of Foreign Assets Control by means of a general or specific license.

Section 515.302 of Part 515 defines the term "national," in part, as (a) a subject or citizen domiciled in a particular country, or (b) any partnership, association, corporation, or other organization owned or controlled by nationals of that country, or that is organized under the laws of, or that has had its principal place of business in that foreign country since the effective date (for Cuba, 12:01 a.m., e.s.t., July 8, 1963), or (c) any person that has directly or indirectly acted for the benefit or on behalf of any designated foreign country. Section 515.305 defines the term "designated national" as Cuba or any national thereof, including any person who is a specially designated national. Section 515.306 defines "specially designated national" as any person who has been designated as such by the Secretary of the Treasury; any person who, on or since the effective date, has either acted for or on behalf of the

government of, or authorities exercising control over any designated foreign country; or any partnership, association, corporation or other organization that, on or since the applicable effective date, has been owned or controlled directly or indirectly by such government or authorities, or by any specially designated national.

Section 515.201 prohibits any transaction, except as provided in Section 515.206 or as authorized by the Secretary of the Treasury, involving property in which there exists an interest of any national or specially designated national of Cuba. The list of Specially Designated Cuban Nationals is a partial one, since the Department of the Treasury may not be aware of all the persons located outside Cuba that might be acting as agents or front organizations for Cuba, thus qualifying as specially designated nationals of Cuba. Also, names may have been omitted because it seemed unlikely that those persons would engage in transactions with persons subject to the jurisdiction of the United States. Therefore, persons engaging in transactions with foreign nationals may not rely on the fact that any particular foreign national is not on the list as evidence that it is not a specially designated national.

The Treasury Department regards it as incumbent upon all U.S. persons engaging in transactions with foreign nationals to take reasonable steps to ascertain for themselves whether such foreign nationals are specially designated nationals of Cuba, or other designated countries (at present, Cambodia, North Korea, and Vietnam). The list of Specially Designated Nationals was last published on December 10, 1986, in the *Federal Register* (51 FR 44459), and was amended on November 3, 1988 (53 FR 44397), January 24, 1989 (54 FR 3446), April 10, 1989 (54 FR 14215), August 4, 1989 (54 FR 32064) and September 20, 1989 (54 FR 38811).

Please take notice that section 16 of the Trading with the Enemy Act (the "Act"), as amended, provides in part that whoever willfully violates any provision of the Act or any license, rule or regulation issued thereunder:

Shall, upon conviction, be fined not more than \$50,000, or, if a natural person, imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both; and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel,

furniture, and equipment, concerned in such violation shall be forfeited to the United States.

In addition, persons convicted of an offense under the Act may be fined a greater amount than set forth in the Act, as provided in 18 U.S.C. 3571 and 3581.

**Authority:** 50 U.S.C. App. 5(b) and 18 U.S.C. 3571 and 3581.

**Specially Designated Nationals of Cuba (New Additions at This Publication)**

Cariberia, S.A.  
 Spain  
 Caribug International Traders, S.A.  
 125-133 Camden High Street  
 London, NW1 7JR, England  
 Casa de Cuba  
 Mexico  
 Casa de Cuba  
 Spain  
 CIDECO (a.k.a. Corporacion Iberoamericana de Comercio)  
 Spain  
 CIMEX  
 Emerson No. 148 Piso 7  
 11570 Mexico, D.F.  
 CIMEX (a.k.a. Compania de Importacion y Exportacion Iberia)  
 Spain  
 CITA  
 Canary Islands  
 COIBA (a.k.a. Commercial Iberoamericana, S.A.)  
 Spain  
 Commercial Iberoamericana, S.A. (a.k.a. COIBA)  
 Spain  
 Compania de Importacion y Exportacion Iberia (a.k.a. CIMEX)  
 Spain  
 COPIA S.A. (a.k.a. Corporacion Argentina de Ingenieria y Arquitectura S.A.)  
 Argentina  
 Corporacion Argentina de Ingenieria y Arquitectura S.A. (a.k.a. COPIA)  
 San Martin 323, 4th Floor  
 Buenos Aires, Argentina  
 Corporacion Iberoamericana del Comercio (a.k.a. CIDECO)  
 Spain  
 Corporacion Mexicana de Asesorias  
 Reforma No. 116-805  
 Col. Juarez, Mexico, D.F.  
 Cubacancun Cigars and Gift Shops  
 Cancun, Mexico  
 Cubaexport  
 Spain  
 Cubafutas  
 Spain  
 Cuban Cigars Trade  
 Italy  
 Cubana Airlines (a.k.a. Cubana de Aviacion)  
 Spain  
 Cubana de Aviacion (a.k.a. Cubana Airlines)  
 Spain  
 Cubanatur  
 Baja California 255  
 Edificio B, Oficina 103  
 Condessa 06500, Mexico, D.F.  
 Cubatabaco  
 Spain  
 Cubatur (a.k.a. Empresa de Turismo Nacional y Internacional)



Buenos Aires, Argentina  
 CUFLET  
 Mexico  
 CUREF Metal Processing BV  
 Boezembolcht 23  
 Rotterdam, Netherlands  
 de France, Naomi A.  
 Cubanatur  
 Baja California 255  
 Edificio B., Oficina 103  
 Condesa 06500, Mexico, D.F.  
 Dominguez, Carlos  
 Vinales Tours  
 Oaxaca 80  
 Roma, Mexico, D.F.  
 Durgaco  
 London, England  
 Ediciones Cubanas  
 Spain  
 Eggleton, Wilfred  
 Director General  
 Cubanatur  
 Baja California 255  
 Edificio B., Oficina 103  
 Condesa 06500, Mexico, D.F.  
 Empresa de Turismo Nacional y  
 Internacional (a.k.a. Cubatur)  
 Buenos Aires, Argentina  
 Garcia, Daniel  
 Manager  
 Promociones Artisticas (PROARTE)  
 Ave. Insurgentes sur No. 421  
 Bloque B Despacho 404  
 C. P. 06100, Mexico, D.F.  
 Garcia Palacios, Sergio  
 Manager

Corporacion Mexicana de Asesoría  
 Reforma No. 116-805  
 Col. Juarez, Mexico, D.F.  
 Guamatour  
 Buenos Aires, Argentina  
 Gutierrez Reyes, Jose  
 Vinales Tours  
 Oaxaca 80  
 Roma, Mexico, D.F.  
 Habanos Trading  
 Geneva  
 Imprisa  
 Spain  
 Instalaciones Industriales Peninsulares  
 Calle 35 No. 498-A  
 ZP 97 Merida, Mexico  
 Instituto Nacional de Turismo de Cuba  
 Spain  
 Leverye S.A.  
 Corrientes 1386, 5th Floor  
 Buenos Aires, Argentina  
 Licorexport S.A.  
 Quito, Ecuador  
 NIREF  
 Boezembolcht 23  
 Rotterdam, Netherlands  
 Ortiz, Guadalupe  
 Cubanatur  
 Baja California 255  
 Edificio B., Oficina 103  
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 Pescabrava, S.A.  
 France  
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Spain  
 Prelasa  
 Mexico  
 Prensa Latina  
 Spain  
 PROARTE (a.k.a. Promociones Artisticas)  
 Mexico  
 Promociones Artisticas (a.k.a. PROARTE)  
 Ave. Insurgentes sur No. 421  
 Bloque B Despacho 404  
 C. P. 06100, Mexico, D.F.  
 Reetsma  
 Federal Republic of Germany  
 Santo, Anabel  
 Promociones Artisticas (PROARTE)  
 Ave. Insurgentes sur No. 421  
 Bloque B Despacho 404  
 C. P. 06100, Mexico, D.F.  
 Tabacalera Espana  
 Spain  
 Viajes Guama, S.A.  
 Spain  
 Vinales Tours  
 Oaxaca 80  
 Roma, Mexico, D.F.

Dated: October 10, 1989.

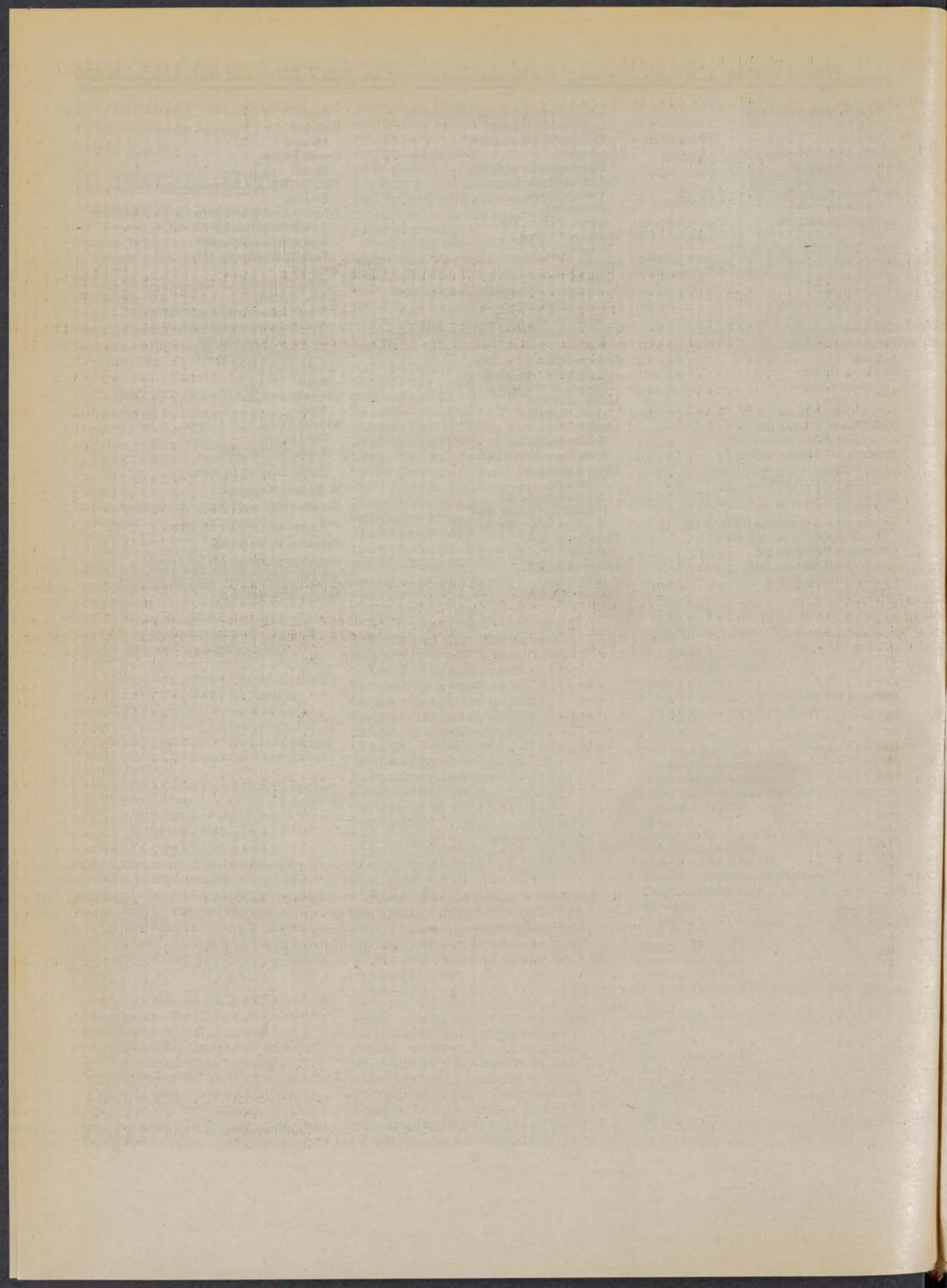
**R. Richard Newcomb,**  
*Director, Office of Foreign Assets Control.*

Approved: October 17, 1989.

**Salvatore R. Martoche,**  
*Assistant Secretary (Enforcement).*  
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